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# HANSARD'S PARLIAMENTARY DEBATES.

THIRD SERIES,  
COMMENCING WITH THE ACCESSION OF  
WILLIAM IV

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26° & 27° VICTORIÆ, 1863.

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VOL. CLXXII.

COMPRISING THE PERIOD FROM  
THE FIRST DAY OF JULY 1863  
TO  
THE TWENTY-EIGHTH DAY OF JULY 1863.

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*Fourth and Last Volume of the Session.*

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LONDON:  
PUBLISHED BY CORNELIUS BUCK,  
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LONDON: CORNELIUS BUCK, PRINTER, 23 PATERNOSTER ROW.

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## VOLUME CLXXII.

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BEING ALSO AN ABSTRACT OF THE LORDS' "MINUTES OF PROCEEDINGS," AND THE COMMONS' "VOTES AND PROCEEDINGS," IN RELATION TO THE PUBLIC BUSINESS OF THE SESSION.

*The \* indicates that there was no Debate at that stage of the Bill.*

#### LORDS, WEDNESDAY, JULY 1.

Their Lordships met; and having gone through the Business on the Paper, without Debate,

House adjourned at Four o'clock.

#### COMMONS, WEDNESDAY, JULY 1.

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**Metropolis Main Drainage (Guarantee of Repayment of Money)\*** [Bill 199]; Greenwich Hospital (Provision for Widows)\* [Bill 200].

**First Reading—**Union Relief Act Continuance [Bill 199]; Greenwich Hospital (Provision for Widows)\* [Bill 200].

**Second Reading—**Weights and Measures (Metric System) [Bill 120]; Nuisances Removal Act (1855) Amendment\* [Bill 179]; Militia Ballots Suspension\*.

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<b>Second Reading</b> —British Columbia Boundaries [H.L.] (No. 149); Land Drainage (Provisional Orders)* (No. 160), and referred to Select Committee.	<b>Report</b> —Local Government Supplemental (No. 2)* (No. 154); District Parochial Churches (Ireland)* (Nos. 126 & 186).	
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## Landed Property Improvement (Ireland) Bill—

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## Companies Clauses Bill—

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## LORDS, FRIDAY, JULY 3.

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Motion made, and Question put, "That the Clause be read a second time:—"The Committee divided; Ayes, 8, Noes, 31; Majority, 23.

Bill reported, without Amendment; to be read 3<sup>o</sup> on Monday next.

## India Stock Bill—

On Motion of *Sir Charles Wood*, Bill to give further facilities to the Holders of India Stock, ordered to be brought in by *Sir Charles Wood* and *Mr. Baring*.\*

House adjourned at half after One o'clock.

## LORDS, MONDAY, JULY 6.

MINUTES.]—PUBLIC BILLS—*First Reading*—Colonial Letters Patent\* [H.L.] (No. 189); Militia Ballots Suspension\* (No. 190).

*Second Reading*—Passengers Act Amendment (No. 163).

Committee—Mutiny (East India) Act Repeal\* (No. 153).

Report—Thames Embankment (South Side)\* (No. 162), reported specially; British

Columbia Boundaries [H.L.]\* (No. 149); Oaths Relief in Criminal Proceedings (Scotland)\* (No. 72).

*Third Reading*—Naval Medical Supplemental Fund Society Winding-up Act, 1861, Amendment\* (No. 184); Jurisdiction of Justices [H.L.]\* (No. 172); District Parochial Churches (Ireland)\* (No. 186); and severally passed.

## Passengers Act Amendment Bill (No. 163)—

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## COMMONS, MONDAY, JULY 6.

MINUTES.]—SUPPLY—considered in Committee—B.F.

PUBLIC BILLS—*Resolution in Committee*—Fortifications and Works

*First Reading*—India Stock\* [Bill 212]; Growing Crops Seizure (Ireland)\* [Bill 211].

*Second Reading*—Greenwich Hospital (Provision for Widows) [Bill 200]; Pilotage Orders Confirmation\* [Bill 206]; Waterworks Clauses\* [Bill 207]; Companies Clauses\* [Bill 209].

Committee—Removal and Punishment of Prisoners\* [Bill 194]; Public Works and Fisheries Acts Amendment\* [Bill 198];

Duchy of Cornwall Management (1863) (Lords)\* [Bill 182]; Alkali Works Regulation (Lords)\* [Bill 135], and re-committed.

Report—Removal and Punishment of Prisoners; Public Works and Fisheries Acts Amendment; Duchy of Cornwall Management (1863) (Lords).\*

Considered as amended—English Church Services in Wales (Lords)\* [Bill 190].

*Third Reading*—Vaccination (Scotland)\* [Bill 202]; Police and Improvement (Scotland) (Provisional Order)\* [Bill 184]; Stipendiary Magistrates\* [Bill 189]; Prisons (Ireland)\* [Bill 178], and severally passed.

LONDON, CHATHAM, AND DOVER RAILWAY (No. 1) BILL [Lords]—(by Order)—Bill read 2<sup>a</sup>, and committed.

Motion made, and Question,

"That it be an Instruction to the Committee on the Bill, that they do admit the Mayor, Aldermen, and Commons of the City of London to be heard upon their Petition with reference to the Railway already authorized in the City of London, and for the insertion of a Clause prohibiting the Railway Company from carrying a Viaduct over Ludgate Hill,"—(*Mr. Alderman Sidney*,) ... .. 245

—put, and negatived.

Ordered,

That Standing Orders 187, 188, and 216, be suspended, in the case of the said Bill, and that the Committee on the Bill have leave to sit and proceed upon Friday next, and that all Petitions praying to be heard against the said Bill be deposited upon or before Thursday next.

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<b>ROYAL COMMISSION OF 1851</b> —Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the purchase money of the land at Kensington should be applied by the Commissioners of the Great Exhibition of 1851, towards discharging the liabilities of the Commission; and that the Commission should be determined, and the property now held by the Commission be vested in the Crown, subject to any interests now existing therein, and to any charges thereon,"—( <i>Mr. Ayrton</i> ),—instead thereof. ....	254
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<b>Growing Crops Seizure (Ireland) Bill</b> — On Motion of <i>Sir Robert Peel</i> , Bill to amend the Law relating to the Seizure of Growing Crops in Ireland, <i>ordered</i> to be brought in by Sir Robert Peel and Mr. Attorney General for Ireland :—Bill <i>presented</i> , and read 1 <sup>o</sup> *. [Bill 211.]	
<b>India Stock Bill</b> — Bill to give further facilities to the Holders of India Stock, <i>presented</i> , and read 1 <sup>o</sup> *. [Bill 212.]	

House adjourned at half  
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## LORDS, TUESDAY, JULY 7.

MINUTES.]—SELECT COMMITTEE— <i>Report</i> —on Prison Discipline* (No. 37).	<i>Report of Select Committee</i> —Drainage and Improvement of Lands (Ireland) Bill* (Nos. 197 & 198).	
PUBLIC BILLS— <i>First Reading</i> —Vaccination (Scotland)* (No. 193); Police and Improvement (Scotland) (Provisional Order)* (No. 194); Prisons (Ireland)* (No. 195); Stipendiary Magistrates* (No. 196).	<i>Committee</i> —Sheep and Cattle (Scotland)* (No. 144); Public Works (Manufacturing Districts) (Nos. 179 & 199); Thames Embankment (South Side)* (No. 162); Passengers Act Amendment* (No. 163).	
<i>Second Reading</i> —Statute Law Revision [H.L.] (No. 188); Port Erin Harbour (Isle of Man)* (No. 169); Pier and Harbour Orders Confirmation* (No. 164); Militia Ballots Suspension* (No. 190); Walmer Vesting* (No. 167).	<i>Report</i> —Passengers Act Amendment. <i>Third Reading</i> —Oaths Relief in Criminal Proceedings (Scotland) (No. 72); Mutiny (East India) Act Repeal (No. 153); and severally passed.	
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FORTIFICATIONS AND WORKS— <i>Resolution reported</i> , “That, towards providing a further sum for defraying the Expenses of the Construction of Works for the Defence of the Royal Dockyards and Arsenals, and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum, not exceeding £650,000, be charged upon the Consolidated Fund of the United Kingdom, and that the Commissioners of Her Majesty’s Treasury be authorized and empowered to raise the said sum by Annuities, for a term not exceeding thirty years; and that such Annuities shall be charged upon, and be payable out of, the said Consolidated Fund.”		
Resolution <i>agreed to</i> *:—Bill <i>ordered</i> to be brought in by Mr. Massey, Viscount Palmerston, and The Marquess of Hartington.		
Fisheries (Ireland) Bill [Sir Robert Peel] [Bill 137]— Bill <i>considered</i> in Committee ( <i>Progress 3rd July</i> ):— (In the Committee.)		
Clause 17 (Additional Licence Duty on fixed Engines)—Clause <i>struck out</i> . New Clause, in lieu thereof—“The Salmon Fisheries Act shall be construed as if in the Schedule annexed to the Act of the 11th & 12th Vict., c. 92, there had been inserted instead of the Duties therein mentioned the Duties following (that is to say):—Bag nets, £10; Fly nets, £10; Stake nets or stake weirs (Scotch), £20; Head weirs, £6; For every box, crib, cruipe, or drum net in any weir for taking salmon or trout, £10.”—( <i>Mr. H. A. Bruce</i> .)		348
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2. Shoot or draw any net more than two-thirds across the breadth of a river, such breadth to be measured or taken at the place where the net is used.	
3. Make stationary any draft or seine net by any means whatever.	
And any person acting in contravention of this section shall incur a penalty not less than two pounds and not exceeding ten pounds, and shall forfeit any net used by him, in contravention of this section; and such net may be seized by any person duly authorized to enforce the provisions of the Salmon Fisheries Acts.—( <i>Mr. Herbert.</i> ) ...	351
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<b>LORDS, WEDNESDAY, JULY 8.</b>	
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<b>COMMONS, WEDNESDAY, JULY 8.</b>	
<b>MINUTES.</b> —PUBLIC BILLS— <i>First Reading</i> —Railway Bills (No. 2) [Bill 216]; Promissory Notes and Bills of Exchange* [Bill 128]; Sydney Branch Mint* [Bill 217]. <i>Second Reading</i> —Poisoned Grain, &c. Prohibition [Bill 121]; Anchors and Chain Cables [Bill 95]; Waywardens' Contracts* ( <i>Lords</i> ) [Bill 206]; Metropolitan Main Drainage Extension* [Bill 215]; India Stock* [Bill 212]; Growing Crops Seizure (Ireland)* [Bill 211]. <i>Committee</i> —Navy Prize Agents, &c.* [Bill 147], on re-committal; Alkali Works Regulation ( <i>Lords</i> )* [Bill 135], on re-committal.	<i>Report</i> —Navy Prize Agents* [Bill 219]; Alkali Works Regulation ( <i>Lords</i> )* [Bill 220]. <i>Considered as amended</i> —Misappropriation by Servants* [Bill 193]. <i>Third Reading</i> —Removal of Prisoners (Scotland)* [Bill 194]; Public Works and Fisheries Acts Amendment* [Bill 198]; Duchy of Cornwall Management (1863) ( <i>Lords</i> )* [Bill 182]; and severally <i>passed</i> . <i>Withdrawn</i> —Casual Poor (Metropolis) [Bill 155]; Domestic Servants and Apprentices Protection [Bill 168]; Railway Bills [Bill 6]; Judgments Law Amendment (Ireland) [Mr. Whiteside]* [Bill 71].
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Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(*Sir George Grey*.)

Question proposed, "That the word 'now' stand part of the Question."

Amendment, and Motion, by leave, *withdrawn*.—Bill *withdrawn*.

## Anchors and Chain Cables Bill [Bill 95]—

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Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(*Mr. Lindsay*.)

After Debate, Question put, "That the word 'now' stand part of the Question :"—The House *divided* ; Ayes 119, Noes 44 ; Majority 75.

Main Question put, and *agreed to* :—Bill read 2<sup>d</sup>, and *committed for To-morrow*.

## Railway Bills Bill [Bill 6]—

On Motion of *Mr. Whalley*, Order for Second Reading read, and *discharged* :—Bill *withdrawn*. . . . . 408

## Railway Bills (No. 2) Bill—

On Motion of *Mr. Whalley*, Bill for diminishing the expense attending the passing of Bills relating to Railways, *ordered* to be brought in by *Mr. Whalley* and *Mr. M'Mahon* :—Bill *presented*, and read 1<sup>o</sup>. [Bill 216.] . . 408

## KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS) COMMITTEE—

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Question again proposed. . . . . 409

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## Promissory Notes and Bills of Exchange Bill—

On Motion of *Mr. Chancellor of the Exchequer*, Bill to remove certain restrictions on the negotiation of Promissory Notes and Bills of Exchange under a limited sum, *ordered* to be brought in by *Mr. Chancellor of the Exchequer* and *Mr. Peel* :—Bill *presented*, and read 1<sup>o</sup>\*. [Bill 218.]

## Sydney Branch Mint Bill—

On Motion of *Mr. Chancellor of the Exchequer*, Bill to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal tender for payments ; and for other purposes relating thereto, *ordered* to be brought in by *Mr. Chancellor of the Exchequer* and *Mr. Peel* :—Bill *presented*, and read 1<sup>o</sup>\*. [Bill 217.]

House adjourned at a quarter before Six o'clock.

## LORDS, THURSDAY, JULY 9.

MINUTES.]—*Sat First in Parliament*—The Lord de Saumarez, after the death of his Brother ; the Lord Sudeley, after the death of his Father.

PUBLIC BILLS.—*First Reading*—Removal of Prisoners (Scotland) (No. 200)\* ; Public Works and Fisheries Acts Amendment\* (No. 201).

*Second Reading*—Colonial Letters Patent [H.L.]\* (No. 189) ; Poor Law Board Continuance\* (No. 187).

Committee—Statute Law Revision [H.L.] (No. 138) ; Militia Ballots Suspension\* (No. 190) ; Walmer Vesting\* (No. 167) ; Loan Societies\* (No. 188).

*Report*—Sheep and Cattle (Scotland)\* (No. 144) ; Statute Law Revision [H.L.]\* ; Public Works (Manufacturing Districts) (Nos. 199 & 203) ; Thames Embankment (South Side)\* (No. 162).

*Third Reading*—Telegraphs\* (No. 185) ; Passengers Act Amendment\* (No. 163) ; and severally *passed*.

## Statute Law Revision Bill [H.L.] (No. 133)—

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House in Committee (according to Order).

Bill *reported*, without Amendment ; and to be read 3<sup>d</sup> *To-morrow*.

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House adjourned at a quarter  
past Seven o'clock.

## COMMONS, THURSDAY, JULY 9.

<b>MINUTES.]—PUBLIC BILLS—</b> <i>Resolution in Committee—</i> India Stock [Remuneration]*.	<i>Report—</i> Court of Session (Scotland)* [Bill 221], and <i>re-committed</i> ; Greenwich Hospital (Provision for Widows); Metropolitan Main Drainage Extension*; Growing Crops Seizure (Ireland); Waterworks Clauses* [Bill 222], and <i>re-committed</i> ; Waywardens' Contracts ( <i>Lords</i> )*; Poisoned Grain, &c. Prohibition* [Bill 223], and <i>re-committed</i> .
<i>Second Reading—</i> Fortifications (Provision for Expenses) [Bill 213]; Augmentation of Benefices [Bill 184]; Promissory Notes and Bills of Exchange* [Bill 218]; Sydney Branch Mint* [Bill 217]; Railways Clauses* [Bill 216].	<i>Considered as amended—</i> Fisheries (Ireland) [Sir Robert Peel] [Bill 214]; Navy Prize Agents* [Bill 219].
<i>Committee—</i> Court of Session (Scotland)* [Bill 116]; Greenwich Hospital (Provision for Widows) [Bill 200]; Metropolitan Main Drainage Extension* [Bill 215]; Growing Crops Seizure (Ireland) [Bill 211]; Waterworks Clauses* [Bill 207]; Waywardens' Contracts ( <i>Lords</i> )* [Bill 205]; Poisoned Grain, &c. Prohibition* [Bill 121].	<i>Third Reading—</i> Misappropriation by Servants* [Bill 193], and <i>passed</i> . <i>Withdrawn—</i> Pilotage Orders Confirmation* [Bill 206].

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After long Debate, Question put, "That the words proposed to be left out stand part of the Question."—The House divided; Ayes 132, Noes 61; Majority 71.	
Main Question put, and agreed to:—Bill read 2 <sup>o</sup> , and committed for Monday next.	
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Motion made, and Question proposed, "That the Bill be now read a second time."—( <i>Viscount Palmerston</i> .)	496
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Main Question put, and agreed to:—Bill read 2 <sup>o</sup> , and committed for Monday next.	
<b>Fisheries (Ireland) Bill [Sir Robert Peel]—[Bill 214]—</b>	
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Question "That those words be there inserted," put, and negatived.	
Another Amendment proposed, in page 1, line 14, to leave out the words "or any other waters."—( <i>Sir Hervey Bruce</i> .)	503
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Question, "That those words be there inserted," put, and <i>agreed to</i> .	
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Question, "That the word 'fifty' stand part of the Bill," put, and <i>agreed to</i> .	
Amendments made.	
Another Amendment proposed, in page 8, line 5, after the word "it," to insert the words "And it shall not be lawful for any person or persons to stretch or use any net more than two-thirds across a river, to be measured from bank on one side, or to use or stretch a second net within two hundred yards of the first net, while said first net is in the water, or to use any net for the capture of salmon or trout in the inland or fresh water portions of rivers."—( <i>Sir Hervey Bruce</i> .) ...	506
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An Amendment made.	
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An Amendment made.	
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(In the Committee.)	
<i>Resolved</i> , That it is expedient to authorize the payment to the Governor and Company of the Bank of England, out of the Revenues of India, of such remuneration as may be agreed upon between the Secretary of State for India in Council and the said Governor and Company, on account of the additional trouble, expense, and responsibility, if any, imposed on the said Governor and Company by any Act of the present Session for giving further facilities to the holders of India Stock.	
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Question proposed, "That those words be there inserted."	
Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—( <i>Mr. Selater-Booth.</i> )	
Motion, by leave, withdrawn.	
Question put, "That those words be there inserted :"—The Committee divided; Ayes 18, Noes 39; Majority 21.	
Bill reported, without Amendment; to be read 3 <sup>o</sup> To-morrow.	
House counted, and 40 Members not being present,	

House adjourned at a quarter  
before Two o'clock.

## LORDS, FRIDAY, JULY 10.

<b>MINUTES.]—PUBLIC BILLS—First Reading—</b>	
Misappropriation by Servants* (No. 204); Clergymen (Colonies) [H.L.] (No. 205.)	
<b>Second Reading—</b> Removal of Irish Poor* (No. 182); Marriages Registration (Ireland)* (No. 165); Sir Robert Hiteham's Charity* (No. 147); Ruthin Charities* (No. 166); Police and Improvement (Scotland) (Provisional Order)* (No. 194).	
<b>Select Committee—Report—</b> Metropolis Turnpike Roads Acts Amendment*.	
<b>Committee—</b> Colonial Letters Patent [H.L.]* (No. 189); Poor Law Board Continuance* (No. 187); Loan Societies* (No. 188).	
<b>Report—</b> Colonial Letters Patent [H.L.]*; Poor Law Board Continuance*; Loan Societies*.	
<b>Third Reading—</b> British Columbia Boundaries [H.L.] (No. 149); Statute Law Revision [H.L.]* (No. 133); Public Works (Manufacturing Districts)* (No. 203); Thames Embankment (South Side)* (No. 162); Militia Ballots Suspension* (No. 190); Walmer Vesting* (No. 167); and severally passed.	
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<b>JAPAN—</b> Moved,	
"That an humble Address be presented to Her Majesty for, Copies of any Instructions given by Her Majesty's Government to Her Majesty's Diplomatic Servants in Japan, or to the Officers in Command of Her Majesty's Land or Naval Forces to make Demands upon the Government of Japan, with the Alternative of immediate Hostilities on the Rejection of such Demands."—( <i>Earl of Carnarvon.</i> )	03
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<b>PRIVATE BILLS—SUSPENSION OF STANDING ORDERS—</b> Moved,	
That so much of the Resolution of the 24th April last with respect to Private Bills as directs, "That no Bill confirming any Provisional Order of the Board of Health, or authorizing any Inclosure of Lands under Special Report of the Inclosure Commissioners for England and Wales, or for confirming any Scheme of the Charity Commissioners for England and Wales, shall be read a Second Time after Thursday the 2nd day of July next," be suspended in respect to—	
The Sir Robert Hiteham's Charity Bill: And,	
The Ruthin Charities Bill.—( <i>Earl Granville.</i> )...	536
Motion agreed to; and the said Bills were then read 2 <sup>a</sup> .	
<b>Clergymen (Colonies) Bill [H.L.]—</b>	
A Bill to establish the Validity of Acts performed in Her Majesty's Possessions Abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen—Was presented by <i>The Duke of Newcastle</i> , and read 1 <sup>a</sup> . (No. 205.)	

House adjourned at a quarter  
past Eight o'clock.

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## COMMONS, FRIDAY, JULY 10.

MINUTES.]—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.	Notes and Bills of Exchange*; India Stock*; Nuisances Removal Act (1856) Amendment*.	
PUBLIC BILLS—Resolution in Committee—India Stock [Remuneration], reported*.	Considered as amended—Alkali Works Regulation (Lords)* [Bill 220]; Waywardens' Contracts (Lords)* [Bill 205].	
Ordered—Turnpike Trusts Arrangements*; Turnpike Roads*.	Third Reading—Fisheries (Ireland) [Sir Robert Peel]* [Bill 214]; Greenwich Hospital (Provision for Widows)* [Bill 200]; Metropolitan Main Drainage Extension* [Bill 215]; Growing Crops Seizure (Ireland)* [Bill 211]; English Church Services in Wales (Lords) [Bill 190]; Navy Prize Agents* [Bill 219].	
First Reading—Church Rates Recovery* [Bill 224].		
Committee—Sydney Branch Mint* [Bill 217]; Promissory Notes and Bills of Exchange* [Bill 218]; India Stock* [Bill 212]; Nuisances Removal Act (1856) Amendment* [Bill 203], on re-committal.		
Report—Sydney Branch Mint*; Promissory		
<b>Church Rates Recovery Bill—</b>		
Bill to amend the Law relating to the Recovery of Church Rates, <i>presented</i> , and read 1 <sup>o</sup> *. [Bill 224.]		
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(2.) £10,917, to complete the sum for Temporary Commissions.		
(3.) £17,015, to complete the sum for Patent Law Amendment Act.		
(4.) £9,744, to complete the sum for Board of Fisheries (Scotland).		
(5.) £2,000, Board of Manufactures (Scotland).		
(6.) £23,928, to complete the sum for Treaties of Reciprocity ..		540
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(7.) £1,220, to complete the sum for Inspectors of Corn Returns.		
(8.) £800, Boundary Survey (Ireland).		
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(12.) £23,455, Preparations for the Marriage of the Prince of Wales ..		541
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VANCOUVER'S ISLAND—Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Correspondence between Mr. Langford and the Colonial Department, relative to alleged abuses in the Government of Vancouver's Island : Of any Correspondence between the Colonial Department and Governor Douglas, referring to Mr. Langford's Charges : Of any Correspondence with the Government of Vancouver's Island relative to the appointment of Chief Justice Cameron, and the remonstrances against such appointment : And, of any Petition recently received from Vancouver's Island praying for the redress of grievances,"— <i>(Mr. Fitzwilliam.)</i> —instead thereof. ...	574
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THE ATTACK ON TRINGANU—Another Amendment proposed, To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Papers relating to the attack on Tringanu on the 12th day of November 1862,"— <i>(Sir John Hay.)</i> —instead thereof.	586
Question proposed, "That the words proposed to be left out stand part of the Question." After Debate, Amendment, by leave, <i>withdrawn</i> .	
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Main Question put; and *agreed to*:—Bill read 3<sup>d</sup>, and *passed*, with Amendments.

## Turnpike Trusts Arrangements Bill—

On Motion of *Mr. Bruce*, Bill to confirm certain Provisional Orders made under an Act of the fifteenth year of Her present Majesty, to facilitate arrangements for the relief of Turnpike Trusts, *ordered* \* to be brought in by *Mr. Bruce* and *Sir George Grey*.

## Turnpike Roads Bill—

On Motion of *Mr. Bruce*, Bill to amend the Laws relating to the repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain, *ordered* \* to be brought in by *Mr. Bruce* and *Sir George Grey*.

House counted, and 40 Members not being present,

House adjourned at a quarter before Two o'clock.

## LORDS, MONDAY, JULY 13.

### MINUTES.]—PUBLIC BILLS—First Reading

—Greenwich Hospital (Provision for Widows) \* (No. 207); Metropolitan Main Drainage Extension \* (No. 208); Growing Crops Seizure (Ireland) \* (No. 209); Navy Prize Agents \* (No. 210); Fisheries (Ireland) \* (No. 211); Alteration in Judges Circuits [H.L.] \* (No. 212); Colonial Acts Confirmation [H.L.] \* (No. 213).

Second Reading—Prisons (Ireland) \* (No. 195).

Select Committee—Report—Land Drainage (Provisional Orders) (No. 160); Port Erin Harbour (Isle of Man) \* (No. 169).

Committee—Drainage and Improvement of Lands (Ireland) \* (No. 198); Metropolitan Turnpike Roads Acts Amendment \* (No. 145).

Report—Sir Robert Hitcham's Charity \* (No. 165); Ruthin Charities \* (No. 166); Police and Improvement (Scotland) (Provisional Order) \* (No. 194).

Third Reading—Colonial Letters Patent [H.L.] \* (No. 189); Poor Law Board Continuance \* (No. 187).

Royal Assent—Bakehouses Regulation [26 & 27 Vict., c. 49] \*;

Sale of Mill Sites, &c. (Ireland) [26 & 27 Vict., c. 42] \*;

Security from Violence [26 & 27 Vict., c. 44] \*;

Innkeepers' Liability [26 & 27 Vict., c. 41] \*;

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London Coal and Wine Duties Continuance [26 & 27 Vict., c. 46] \*;

Salmon Fisheries (Scotland) Act Continuance [26 & 27 Vict., c. 50] \*;

Mutiny (East India) Act Repeal [26 & 27 Vict., c. 48] \*;

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THE BURIAL SERVICE—Question, Lord Ebury; Answer, The Archbishop of Canterbury:—Debate thereon. .. .. . 615

POLAND—*Moved*, That an humble Address be presented to Her Majesty for, Copies of any further Papers with regard to Poland.—(*Earl Grey*.) .. .. . 620  
After long Debate, Motion (by leave of the House) *withdrawn*.

## Alterations in Judges Circuits Bill [H.L.]—

A Bill to enable Her Majesty in Council to make alterations in the Circuits of the Judges—Was *presented* by The Lord Chancellor, and read 1<sup>st</sup> \*.  
(No. 212.)

## Land Drainage (Provisional Orders) Bill—

Report from the Select Committee, That the Committee, having found that the Petitioners had no locus standi before them, had not proceeded with the Consideration of the Bill; read, and Ordered to lie on the Table: The Orders made on the 2nd Instant and Tuesday last *discharged*; and Bill committed to a Committee of the Whole House *To-morrow*.\*

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## Colonial Acts Confirmation Bill [H.L.]—

A Bill to confirm certain Acts of Colonial Legislatures—Was *presented* by The Duke of Newcastle, and read 1<sup>st</sup>. (No. 213.)

House adjourned at a quarter before Nine o'clock.

## COMMONS, MONDAY, JULY 13.

MINUTES.]—SELECT COMMITTEE—Malt (Excise Duty, &c.), *nominated* (List of the Committee).

SUPPLY—Resolutions (July 10) *reported*.

PUBLIC BILLS—*Resolution in Committee*—Fortifications (Provision for Expenses) [Payment to Bank of England].

*Ordered*—Expiring Laws Continuance.

*First Reading*—Turnpike Trusts Arrangements \* [Bill 227]; Turnpike Acts Continuance, &c. \* [Bill 228]; Jurisdiction of Justices (Lords) \* [Bill 232]; Statute Law Revision (Lords) \* [Bill 233]; Pauper Lunatic Asylums \* [Bill 234]; Petty Sessions (Ireland) \* [Bill 235].

*Second Reading*—Union Relief Aid Acts Continuance [Bill 199].

*Committee*—Fortifications (Provision for Expenses) \* [Bill 213]—R.F.; Companies Clauses \* [Bill 209]; Railways Clauses \* [Bill 208], *on re-committal*.

*Report*—Companies Clauses \* [Bill 229]; Railways Clauses \* [Bill 230].

*Considered as amended*—India Stock \* [Bill 212]; Nuisances Removal Act (1855) Amendment \* [Bill 203 & 231].

*Third Reading*—Sydney Branch Mint \* [Bill 217]; Alkali Works Regulation (Lords) \* [Bill 220]; Waywardens' Contracts (Lords) \* and severally *passed*.

*Withdrawn*—Court of Session (Scotland) [Bill 221].

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UNITED STATES—RECOGNITION OF THE SOUTHERN CONFEDERACY—

Order for resuming Adjourned Debate on Amendment proposed to Question [30th June].

*Moved*, "That the Order for resuming the Adjourned Debate on Amendment proposed to Question [30th June] be read, in order to its being discharged." (Mr. Roebuck.) .. .. . 661

After Debate, Motion *agreed to*:—Order read, and *discharged*.

FORTIFICATIONS (PROVISION FOR EXPENSES) [PAYMENT TO BANK OF ENGLAND]—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair." .. .. . 673

After short Debate, Motion *agreed to*.

Fortifications (Provision for Expenses) [Payment to Bank of England] *considered* in Committee.

(In the Committee.)

*Resolved*,

That the Commissioners of Her Majesty's Treasury be authorized to direct the payment to the Governor and Company of the Bank of England, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of the sum of £800, as an allowance for the expense of management of the contributions to be received by the said Governor and Company under any Act of the present Session for providing a

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## FORTIFICATIONS (PROVISIONS FOR EXPENSES)—Committee—*continued*.

further sum towards defraying the expenses of constructing Fortifications for the protection of the Royal Arsenals and Dockyards, and the Ports of Dover and Portland, and of creating a Central Arsenal.

Resolution to be reported *To-morrow*, at Twelve of the clock.

## Fortifications (Provision for Expenses) Bill [Bill 213]—

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair :"— .. .. 675

### AFFAIRS OF POLAND—Observations, Mr. Bentinck.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Bentinck.*) .. .. 675

After short Debate, Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*:—Bill *considered* in Committee :—  
(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal)—After short Debate, Clause *agreed to* ... 678

Clauses 3 to 17 *agreed to*.

Clause 18 *postponed*:—Clause 19 *agreed to*.

Clause 20 (Accounts to be laid before Parliament)—After Debate, Clause *agreed to* ... 679

Remaining Clauses *agreed to*.

Schedule—Amendment proposed, to leave out the words "Spithead.—Horse Sand Fort, £25,000."—(*Sir Morton Peto.*) ... .. 687

After long Debate, Question put, "That the words proposed to be left out stand part of the Schedule :"—The Committee *divided*; Ayes 135, Noes 52; Majority 83 :—  
Schedule *agreed to* .. .. 720

Committee report Progress; to sit again *To-morrow*, at Twelve of the Clock.

## Union Relief Aid Acts Continuance Bill [Bill 199]—

*Moved*, "That the Bill be now read a second time."—(*Mr. C. Gilpin.*) .. 721

After Debate, Motion *agreed to*:—Bill read 2°, and *committed* for *To-morrow* at Twelve of the clock.

## Volunteers Bill [Bill 225]—

After short Debate, Lords' Amendments *agreed to*, with Amendments. .. 725

## MALT (EXCISE DUTY, &c.)—Select Committee on Malt (Excise Duty, &c.) to consist of nineteen Members :—

Sir Fitzroy Kelly, Mr. Chancellor of the Exchequer, Colonel Barttelot, Mr. Hutt, Mr. Cobbold, Mr. Childers, Sir Stafford Northcote, Mr. Caird, Mr. Ker Seymer, Mr. Buxton, Sir Frederick Heygate, Mr. Calthorpe, Colonel Dunne, Mr. Dodson, Mr. Beach, Mr. Puller, Mr. Edward Egerton, Mr. Cobbett, and Mr. Stirling :—Power to send for persons, papers, and records; Five to be the quorum.

## Turnpike Trusts Arrangements Bill—

Bill to confirm certain Provisional Orders made under an Act of the fifteenth year of Her present Majesty, to facilitate arrangements for the relief of Turnpike Trusts, *presented*, and read 1°. [Bill 227.]

## Turnpike Acts Continuance, &c. Bill—

Bill to Amend the Law relating to the repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain, *presented*, and read 1°. [Bill 228.]

## Expiring Laws Continuance Bill—

On Motion of *Mr. Peel*, Bill for continuing various Expiring Acts, *ordered* \* to be brought in by Mr. Peel and Mr. Chancellor of the Exchequer.

## Pauper Lunatic Asylums Bill—

On Motion of *Mr. Scourfield*, Bill to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics, *ordered* to be brought in by Mr. Scourfield and Mr. Pugh :—Bill *presented*, and read 1°, [Bill 234.]

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## Petty Sessions (Ireland) Bill—

On Motion of *Mr. Attorney General for Ireland*, Bill to amend the Petty Sessions (Ireland) Act (1851) and the Petty Sessions Clerks (Ireland) Act (1858), *ordered to be brought in by Mr. Attorney General for Ireland and Sir Robert Peel:—Bill presented, and read 1<sup>st</sup>.* [Bill 235.]

House adjourned at a quarter before One o'clock.

## LORDS, TUESDAY, JULY 14.

MINUTES.]—*Sat First in Parliament—*The Lord Hatherton, after the death of his Father.

PUBLIC BILLS—*First Reading—*Sydney Branch Mint\* (No. 217).

*Second Reading—*Savings Banks Acts Amendment\* (No. 183); Stipendiary Magistrates\* (No. 196); Growing Crops Seizure (Ireland)\* (No. 209); Clergymen (Colonies)[H.L.]\* (No. 206); Harwich Harbour\* (No. 174); Howth Harbour\* (No. 180); Colonial Acts Confirmation [H.L.]\* (No. 213).

*Committee—*Removal of Irish Poor\* (No. 182 & 218); Marriages Registration (Ireland)\* (No. 147 & 219).

*Report—*Drainage and Improvement of Lands (Ireland)\* (No. 198); Metropolis Turnpike Roads Acts Amendment\* (No. 145).

*Third Reading—*Sheep and Cattle (Scotland)\* (No. 144); Sir Robert Hitcham's Charity\* (No. 165); Ruthin Charities\* (No. 166); Police and Improvement (Scotland) (Provisional Order)\* (No. 194); and severally *passed*.

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UNITED STATES—THE "MARGARET AND JESSIE"—Question, the Earl of Airlie; Answer, Earl Russell:—Debate thereon. . . 728

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GALWAY CONTRACT—Question, The Earl of Hardwicke; Answer, Lord Stanley of Alderley .. 747

## Prison Ministers Bill—

Commons' Amendments to Lords' Amendments *considered\** (according to Order):—

*Moved*, not to agree to the first Amendment of the Commons to the Lords' Amendments, but to amend the Words thus reinkated; *agreed to*.

Commons' Second Amendment *disagreed to*; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to One of the Amendments made by the Commons to the said Bill: The Committee to meet *forthwith*.

Report from the Committee of a Reason; read, and *agreed to*; and Bill, with the Amendments and Reason, returned to the Commons.

House adjourned at a quarter before Eight o'clock.

## COMMONS, TUESDAY, JULY 14.

MINUTES.]—SELECT COMMITTEE—*Report—*Holyhead Harbour Committee\* [No. 445].

PUBLIC BILLS—*First Reading—*British Columbia Boundaries (Lords)\* [Bill 187]; Colonial Letters Patent (Lords)\* [Bill 237]; Expiring Laws Continuance\* [Bill 288]; Indemnity\*; Land Tax Commissioners' Names\* [Bill 239]; Petty Offences\* [Bill 240].

*Second Reading—*Turnpike Trusts Arrange-

ments\* [Bill 227]; Turnpike Acts Continuance, &c.\* [Bill 228].

*Committee—*Union Relief Aid Acts Continuance [Bill 199]; Fortifications (Provision for Expenses)\* [Bill 213].

*Report—*Fortifications (Provision for Expenses)\* [Bill 213]; Union Relief Aid Acts Continuance [Bill 236].

*Third Reading—*India Stock\* [Bill 212], and *passed*.

## Union Relief Aid Acts Continuance Bill [Bill 199]—

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. C. P. Villiers.*) .. 749

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that any monies raised under this Bill by way of loan on the security of the rates in the distressed manufacturing districts, should be applicable to assisted emigration to such colonies as may be willing to co-operate in carrying it out,"—(*Mr. Childers.*)—instead thereof. ... 755

Question proposed, "That the words proposed to be left out stand part of the Question."

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## Petty Offences Bill—

On Motion of *Mr. Whalley*, Bill to amend the Law as regards persons charged with Petty Offences, and to enable such persons and their wives to give evidence, *ordered* to be brought in by *Mr. Whalley* and *Mr. Hodgkinson* :—Bill *presented*, and read 1°\*. [Bill 240.]

## Land Tax Commissioners' Names Bill—

On Motion of *Mr. Peel*, Bill to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes, *ordered* to be brought in by *Mr. Peel* and *Mr. Chancellor of the Exchequer* :—Bill *presented*, and read 1°\*. [Bill 239.]

## Indemnity Bill—

On Motion of *Mr. Peel*, Bill to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and to extend the time limited for those purposes respectively, *ordered* to be brought in by *Mr. Peel* and *Mr. Chancellor of the Exchequer* :—Bill *presented*, and read 1°\*.

## Expiring Laws Continuance Bill—

Bill for continuing various expiring Acts, *presented*, and read 1°\*. [Bill 238.]

House adjourned at a quarter before One o'clock.

## COMMONS, WEDNESDAY, JULY 15.

MINUTES.]—SELECT COMMITTEE—*Report*—Kitchen and Refreshment Rooms (House of Commons), *Fourth Report* [No. 448].

PUBLIC BILLS—*Second Reading*—Jurisdiction of Justices (*Lords*)\* [Bill 232]; Pauper Lunatic Asylums\* [Bill 234]; Expiring

Laws Continuance\* [Bill 238]; Land Tax Commissioners' Names\* [Bill 239].  
Committee — Partnership Law Amendment [Bill 172], on *re-committal*; Anchors and Chain Cables [Bill 95]—*E.F.*  
*Report*—Partnership Law Amendment [Bill 242].

## KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS) COMMITTEE—

Order read, for resuming Adjourned Debate on Question [2nd July],

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Question again proposed.

After Debate, Motion, by leave, *withdrawn*.

## Partnership Law Amendment (*re-committed*) Bill [Bill 172]—

Bill *considered* in Committee.

(In the Committee.)

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. Hubbard.*) ... .. 830

After Debate, Question put :—The Committee *divided*; Ayes 40, Noes 70; Majority 30. Clauses 1 to 8, inclusive, *agreed to*.

Clause 9 (The Firm of a Limited Partnership shall not include the name of any Limited Partner, or else Limited Partner to become General Partner)—Amendment proposed, in line 18, after "registered," leave out to the end of Clause.—(*Mr. Goschen.*) ... .. 840

After short Debate, Amendment *agreed to* :—Clause, as amended, *agreed to*.

Clauses 10, 11, and 12, *agreed to*.

Clause 13 (General Partners only to be made bankrupt)—After short Debate, Clause *agreed to*. ... .. 842

Clauses 14 and 15 *agreed to* :—Clause 16, *struck out*.

Remaining Clauses *agreed to*.

New Clause (Recovery of Penalties), *agreed to*. ... .. 843

Bill *reported*; as amended, to be considered on *Monday* next, and to be *printed*. [Bill 242.]

## Anchors and Chain Cables Bill [Bill 95]—

Bill *considered* in Committee :—

(In the Committee.)

Clause 1 (The Board of Trade may grant Licences for proving Anchors and Chain Cables, and may suspend or revoke Licences)—Amendment proposed, in Clause 1, line 12, after "public bodies or companies," to insert "or private companies or parties :"—(*Mr. Cave* :)—Amendment amended, and *agreed to*. ... .. 844

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## ANCHORS AND CHAIN CABLES BILL—Committee—*continued*.

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After short Debate, Question put, "That those words be there inserted:"—The Committee *divided*; Ayes 60, Noes 30; Majority 30 :—Words *added*.

Clause, as amended, *agreed to*.

Clause 2 (Testor to test all Anchors and Cables, in proper order, and impress the same with authorized Proof Mark)—Clause *agreed to*. ... 849

Committee report Progress; to sit again *To-morrow*.

House adjourned at five minutes before Six o'clock.

## LORDS, THURSDAY, JULY 16.

### MINUTES.]—*Sat First in Parliament*—

The Lord Seymour (commonly called Earl Saint Mair), being called up to the House of Lords in his Father's Barony of Seymour.

**SELECT COMMITTEE**—Metropolitan Railway Communication, *Third Report* (No. 70).

**PUBLIC BILLS**—*First Reading*—India Stock \* (No. 223).

*Second Reading*—Alterations in Judges Circuits [H.L.] (No. 212); Fisheries (Ireland) (No. 211); Greenwich Hospital (Provision for Widows) (No. 207); Metropolitan Main Drainage Extension (No. 208); Misappropriation by Servants \* (No. 204).

**Select Committee**—*Report*—Pier and Harbour Orders Confirmation \* (No. 220).

**Committee**—Savings Banks Acts Amendment \* (No. 183 and 221); Stipendiary Magistrates \* (No. 198 and 222); Growing Crops Seizure (Ireland) \* (No. 209); Land Drainage (Provisional Orders) \* (No. 160); Port Erin Harbour (Isle of Man) \* (No. 169); Colonial Acts Confirmation [H.L.] \* (No. 213).

*Report*—Removal of Irish Poor \* (No. 218); Growing Crops Seizure (Ireland) \*; Land Drainage (Provisional Orders) \*; Marriages Registration (Ireland) \* (No. 219); Colonial Acts Confirmation \*.

*Third Reading*—Metropolis Turnpike Roads Acts Amendment \* (No. 145), and *passed*.

### Alterations in Judges Circuits Bill [H.L.] (No. 112)—

*Moved*, That the Bill be now read 2<sup>a</sup>: (*The Lord Chancellor.*) .. 850

Motion *agreed to*: Bill read 2<sup>a</sup> accordingly, and *committed to a Committee of the Whole House To-morrow*.

### Fisheries (Ireland) Bill (No. 211)—

*Moved*, That the Bill be now read 2<sup>a</sup>: (*Lord Stanley of Alderley.*) .. 850

After Debate, Motion *agreed to*: Bill read 2<sup>a</sup> accordingly, and *committed to a Committee of the Whole House on Monday next*.

### Greenwich Hospital (Provision for Widows) Bill (No. 207)—

*Moved*, That the Bill be now read 2<sup>a</sup>: (*The Duke of Somerset.*) .. 856

After short Debate, Motion *agreed to*: Bill read 2<sup>a</sup> accordingly, and *committed to a Committee of the Whole House To-morrow*.

### Metropolitan Main Drainage Extension Bill (No. 208)—

*Moved*, That the Bill be now read 2<sup>a</sup>: (*The Lord President.*) .. 856

After short Debate, Motion *agreed to*: Bill read 2<sup>a</sup> accordingly, and *committed to a Committee of the Whole House To-morrow*.

House adjourned at eight o'clock.

## COMMONS, THURSDAY, JULY 16.

**MINUTES.]—SELECT COMMITTEE**—Thames Conservancy, &c. Committee, *Report* [No. 464].

**SUPPLY**—*considered in Committee*—R.F.

**PUBLIC BILLS**—*Resolution in Committee*—New Zealand (Guarantee of Loan) \*.

*Second Reading*—Petty Sessions (Ireland) \* [Bill 235]; Statute Law Revision (*Lords*) [Bill 233].

**Committee**—Companies Clauses [Bill 229], on *re-committal*; Railways Clauses \* [Bill 230], on *re-committal*; Waterworks Clauses \* [Bill 222], on *re-committal*; Turnpike Trusts Arrangements \* [Bill 227]; Turnpike Acts Continuance, &c. [Bill 228];

Poisoned Grain, &c. Prohibition [Bill 223], on *re-committal*; Anchors and Chain Cables [Bill 95].

*Report*—Companies Clauses; Railways Clauses \*; Waterworks Clauses \*; Turnpike Trusts Arrangements \*; Turnpike Acts Continuance, &c.; Poisoned Grain, &c. Prohibition.

*Considered as amended*—Union Relief Aid Acts Continuance [Bill 236].

*Third Reading*—Fortifications (Provision for Expenses) \* [Bill 213]; Nuisances Removal Act (1855) Amendment \* [Bill 231]; and severally *passed*.



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After Debate, Amendment and Motion, by leave, <i>withdrawn</i> . Bill <i>re-committed</i> to the former Committee. <i>Instruction</i> to the Committee, That they do report, in compliance with Standing Order No. 140, the reasons and facts upon which their opinion, that the restriction as to the acquisition and use of Steam Vessels ought not to be enforced, was founded.—( <i>Mr. Richard Hodgson.</i> ) Leave given to the Committee to sit and proceed To-morrow, at Twelve of the clock.	
<b>NORTH BRITISH RAILWAY (STEAMBOATS) BILL</b> [ <i>Lords</i> ] ( <i>by Order</i> ) [ <i>Not Amended</i> ]—	
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## Turnpike Acts Continuance, &c. Bill [Bill 228]—

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Clause 1 agreed to.

Clause 2 (Continuation of Acts, except 10 G. 4, c. xviii.; 11 G. 4, c. lxxxviii.; 1 W. 4, c. i.; 1 W. 4, c. xxviii.; 1 W. 4, c. xlii.; 1 & 2 W. 4, c. xli.)—Amendment proposed, at the end of the Clause, to add the words "and an Act of the same year, chapter seventy-two, 'for more effectually repairing the Road from North Shields, in the county of Northumberland, to the town of Newcastle upon Tyne, and certain Branches communicating therewith; and also for making and repairing additional Branches of Road.'"—(Mr. Richard Hodgson.)

After short Debate, Question put, "That those words be there added:—"The Committee divided; Ayes 22, Noes 44; Majority 22.

Bill reported; as amended, to be considered *To-morrow*.

## Statute Law Revision Bill (Lords) [Bill 233]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(The Solicitor General.) 936

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(Mr. Hennessy.)

After short Debate, Question put, "That the word 'now' stand part of the Question:—"The House divided; Ayes 45, Noes 16; Majority 29.

Main Question put, and agreed to:—Bill read 2<sup>o</sup>, and committed for *Wednesday* next.

## Poisoned Grain, &c. Prohibition (re-committed) Bill [Bill 223]—

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair." .. 937

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day two months, resolve itself into the said Committee,"—(Sir FitzRoy Kelly,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question.

Motion made, and Question proposed, "That this House do now adjourn."—(Mr. Ayrton.)

After short Debate, Motion, by leave, *withdrawn*.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

Main Question put, and agreed to:—Bill considered in Committee:— .. 933  
(In the Committee.)

Clause 1 agreed to.

Clause 2 (Penalty for selling poisoned Grain or Seed)—Amendment proposed, in line 13, after the word "life," to insert the words "save as hereafter mentioned."—(Sir FitzRoy Kelly.) .. 938

Question proposed, "That those words be there inserted."

After short Debate, Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again:—" (Mr. Paget:—The Committee divided; Ayes 22, Noes 22; Majority 10 .. 938

Question put, "That those words be there inserted:—"The Committee divided; Aye 1, Noes 37; Majority 36.

Bill reported; as amended, to be considered *To-morrow*.

## Anchor and Chain Cables Bill [Bill 95]—

Bill considered in Committee:—

(In the Committee.)

After short Debate, Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again:—" (Mr. Ayrton:—The Committee divided; Ayes 20, Noes 27; Majority 7 .. 939

Committee counted, and 40 Members not being present;

Mr. Speaker resumed the Chair.

House counted, and 40 Members not being present,

House adjourned at a quarter before Four o'clock.

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## LORDS, FRIDAY, JULY 17.

MINUTES.]—PUBLIC BILLS—*First Reading*  
—Fortifications (Provision for Expenses)\*  
(No. 225); Nuisances Removal Act (1855)  
Amendment\* (No. 226).

*Second Reading*—Vaccination (Scotland)\*  
(No. 193); India Stock\* (No. 223); Sydney  
Branch Mint\* (No. 217).

Committee—Prisons (Ireland)\* (No. 195);  
Pier and Harbour Orders Confirmation\*  
(No. 220); Alterations in Judges Circuits  
[H.L.]\* (No. 212); Greenwich Hospital  
(Provision for Widows)\* (No. 207); Metro-  
politan Main Drainage Extension\* (No.  
208); Misappropriation by Servants\* (No.  
204); Clergymen (Colonies) [H.L.]\* (No.  
205).

*Report*—Harwich Harbour\* (No. 174);

PROVISIONAL ORDERS, INCLOSURE AND LAND DRAINAGE ACTS—*Moved*,

That when a Petition is presented to this House, praying to be heard by Counsel  
against any Provisional Order under the Inclosure Acts, or under the Land Drainage  
Act, 1861, contained or referred to in any Bill before this House, such Bill may be  
referred to a Select Committee, and the Committee may hear the Petitioners, the  
Inclosure Commissioners if they shall think fit to appear, and such Persons as shall  
appear in support of said Provisional Order; and the Committee may, if they think  
fit, recommend that such Provisional Order be not confirmed, but the Committee shall  
not in any way modify or alter the terms of such Order.—(*The Earl of Donoughmore.*)

940

After short Debate, Motion (by leave of the House) *withdrawn*.

JUDICIAL STATISTICS (IRELAND)—*Moved*,

That in the Session of 1856 this House resolved that "a Department for the Collection  
of Judicial Statistics should be formed in connection with the Home Office," and  
"should make an Annual Report to Parliament at a stated Time, presenting Returns  
in a collective Form illustrative of the State and Progress of the Administration of the  
Law throughout the United Kingdom:"

That, accordingly, such a Report and Return have been annually presented to Parliament  
since the Year 1858 for England and Wales, and contain Information of the greatest  
Value:

That notwithstanding the Resolution of 1856, and a Pledge given by Ministers in Debate  
upon the Subject in July 1861, no similar Report has been made from Ireland:

That it is expedient and necessary that Judicial Statistics from Ireland, similar to those  
for England and Wales, and to be presented at the same Time, should be annually  
furnished; and with that view it is necessary that a Person acquainted with the Irish  
Courts and otherwise competent should be attached to the Home Office, and that all  
possible Facilities and Co-operation should be afforded to this Officer by the several  
Authorities in Dublin Castle and the various Law Courts of Ireland.—(*The Marquess  
of Clanricarde.*) ... .. 941

Amendment of *The Earl of Granville* in the third Resolution,

To omit the words "and to be presented at the same time;" also that part which requires  
that a person acquainted with the Irish Courts should be attached to the Home Office.

After short Debate, Motion amended, and *agreed to*.

*Resolved*,

That in the Session of 1856 this House resolved that "a Department for the Collection  
of Judicial Statistics should be formed in connection with the Home Office," and  
"should make an Annual Report to Parliament at a stated Time, presenting Returns  
in a collective Form illustrative of the State and Progress of the Administration of the  
Law throughout the United Kingdom:"

That, accordingly, such a Report and Return have been annually presented to Parlia-  
ment since the year 1858 for England and Wales, and contain Information of the  
greatest Value:

That notwithstanding the Resolution of 1856, and a Pledge given by Ministers in Debate  
upon the Subject in July 1861, no similar Report has been made from Ireland:

That it is expedient and necessary that Judicial Statistics from Ireland, similar to those  
for England and Wales, should be annually furnished.

THE ROYAL IRISH ACADEMY—Question, Lord Talbot de Malahide; Answer, Earl Granville ... .. 945

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House adjourned at a quarter past Seven o'clock.

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MINUTES.]—SELECT COMMITTEE—Ecclesiastical Commission Committee, Report [No. 457].	238]; Petty Sessions (Ireland) * [Bill 235]; Pauper Lunatic Asylums * [Bill 234].	
SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—POST OFFICE PACKET SERVICE.	Report—Expiring Laws Continuance; Petty Sessions (Ireland) *; Pauper Lunatic Asylums *.	
WAYS AND MEANS—considered in Committee.	Considered as amended—Railways Clauses * [Bill 230]; Waterworks Clauses * [Bill 222]; Turnpike Acts Continuance, &c. * [Bill 228]; Poisoned Grain, &c. Prohibition * [Bill 223].	
PUBLIC BILLS—Resolution in Committee reported—New Zealand (Guarantee of Loan).	Third Reading—Union Relief Aid Acts Continuance * [Bill 236]; Companies Clauses * [Bill 229]; Turnpike Trusts Arrangements * [Bill 227]; and severally passed.	
First Reading—Colonial Acts Confirmation (Lords) * [Bill 250].		
Second Reading—Indemnity *; Colonial Letters Patent (Lords) * [Bill 237].		
Committee—Expiring Laws Continuance [Bill		
NEW ZEALAND LOAN—Observations, Sir John Trelawny; Answer, Mr. Chichester Fortescue		948
COST OF EMBASSIES, &c.—Question, Mr. Dodson; Answer, Mr. Layard		949
THE MAILES <i>vid</i> PANAMA—Question, Mr. Henry Seymour; Answer, Lord Clarence Paget		949
PRIVATE BILL LEGISLATION—Question, Mr. B. Hodgson; Answer, Mr. Milner Gibson		950
RETIRING PENSIONS FOR COLONIAL GOVERNORS—Question, Sir John Pakington; Answer, Mr. Chichester Fortescue		950
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PARTY EMBLEMS IN IRELAND—Question, Mr. Maguire; Answer, Sir Robert Peel		952
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DISTURBANCES IN NEW ZEALAND—Question; Mr. Arthur Mills; Answer, Mr. Chichester Fortescue		953
SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:—"		
CIVIL SERVICE COMPETITIONS—Amendment proposed,		
To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that the junior appointments in the Civil Service may be filled up in future by a system of open competitive examination,"—(Mr. Hennessy,)—instead thereof.		953
Motion made, and Question proposed "That the words proposed to be left out stand part of the Question:—After long Debate, Question put:—The House divided; Ayes, 118, Noes 37; Majority 81.		
STREET MUSIC IN THE METROPOLIS—Observations, Mr. Bass; Reply, Mr. H. A. Bruce		972
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SALMON FISHERIES—Observations, Mr. Humberston; Reply, Mr. H. A. Bruce		992
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SUPPLY—Motion for Committee—*continued*.

PROTESTANTS IN SPAIN—FATHER CURCI — Observations, Mr. Grant Duff and Sir George Bowyer; Reply, Viscount Palmerston .. 999

COMMUNICATION WITH AUSTRALIA—THE PANAMA, SUEZ, AND CAPE ROUTES — Observations, Sir Stafford Northcote; Reply, Mr. Peel .. 1012

Main Question put, and *agreed to*.

SUPPLY *considered* in Committee:—CIVIL SERVICE ESTIMATES—POST OFFICE PACKET SERVICE:—

(In the Committee).

Motion made, and Question proposed,

"That a sum, not exceeding £700,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge of the Post Office Packet Service, which will come in course of payment during the year ending on the 31st day of March 1864, which sum includes provision for payments to Mr. Joseph George Churchward, for the conveyance of Mails between Dover and Calais and Dover and Ostend, from the 1st day of April 1863, to the 20th of June 1866, but no part of which sum is to be applicable or applied in or towards making any payment in respect of the period subsequent to the 20th day of June 1863, to the said Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract, bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863." ... .. 1019

Whereupon Motion made, and Question put, "That the item of £3,110 for conveyances of Mails between Dover and Ostend, be omitted from the proposed Vote."—(Mr. Ayrton.) .. .. 1026

The Committee *divided*; Ayes 26, Noes 75; Majority 49.

Division List—Ayes and Noes. .. .. 1028

Original Question again proposed.

Motion made, and Question proposed, "That the Chairman do report Progress."—(Mr. Heygate.) .. .. 1028

After short Debate, Motion, by leave, *withdrawn*.

Original Question, put and *agreed to*.

Resolution to be reported on *Monday* next.

WAYS AND MEANS—*considered* in Committee:—

(In the Committee.)

On Motion of Mr. Chancellor of the Exchequer,

(1.) *Resolved*,

That, towards making good the Supply granted to Her Majesty, there be issued and applied, to the Service of the year 1863, the sum of £467,467 3s. 7d., being the surplus of Ways and Means granted for the Service of preceding years. ... 1029

(2.) *Resolved*,

That, towards making good the Supply granted to Her Majesty, the sum of £29,890,644 16s. 6d. be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Resolutions to be reported on *Monday* next.

Expiring Laws Continuance Bill [Bill 288]—

Bill *considered* in Committee:—

(In the Committee.)

Schedule—Amendment proposed, to leave out the words "10 and 11 Vict., c. 90 (Poor Laws) (Ireland 1)"—(Colonel Dinwiddie:—After short Debate, Question put, "That those words stand part of the Schedule;"—The Committee *divided*; Ayes 24, Noes 7; Majority 27.

Bill *reported*, without Amendment; to be read 3<sup>d</sup> on *Monday* next.

House adjourned at a quarter before Two o'clock.

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## LORDS, MONDAY, JULY 20.

<b>MINUTES.]—PUBLIC BILLS—First Reading</b>	<b>Report—</b>
—Union Relief Aid Acts Continuance* (No. 231); Companies Clauses* (No. 232); Turnpike Trusts Arrangements* (No. 233); Exhibition Medals [H.L.]* (No. 234).	Harwich Harbour*; Howth Harbour*; Pier and Harbour Orders Confirmation* (No. 220); Misappropriation by Servants* (No. 227); India Stock*; Sydney Branch Mint*.
<b>Second Reading—</b>	<b>Third Reading—</b>
Navy Prize Agents (No. 210); Fortifications (Provision for Expenses)* (No. 225); Nuisances Removal Act (1855) Amendment* (No. 226); Public Works and Fisheries Acts Amendment* (No. 201).	Drainage and Improvement of Lands (Ireland)* (No. 198); Prisons (Ireland)* (No. 195); Alterations in Judges Circuits [H.L.]* (No. 212); Greenwich Hospital (Provision for Widows)* (No. 207); Metropolitan Main Drainage Extension* (No. 208); Savings Banks Acts Amendment* (No. 221); Clergymen (Colonies) [H.L.]* (No. 228); Port Erin Harbour (Isle of Man)* (No. 169); and severally <i>passed</i> .
<b>Committee—</b>	
Fisheries (Ireland) (Nos. 211 & 229); Harwich Harbour* (No. 174); Howth Harbour* (No. 180); Vaccination (Scotland)* (Nos. 193 & 230); India Stock* (No. 223); Sydney Branch Mint* (No. 217).	
<b>Navy Prize Agents Bill (No. 210)—</b>	
<i>Moved</i> , That the Bill be now read 2 <sup>a</sup> : ( <i>Lord Chelmsford</i> .)	1031
Motion <i>agreed to</i> ; Bill read 2 <sup>a</sup> accordingly; and <i>committed</i> to a Committee of the Whole House <i>To-morrow</i> .	
<b>DEFENCE OF CANADA—</b>	
Question, Lord Lyveden; Answer, Earl Granville	1032
<b>Fisheries (Ireland) Bill (No. 211)—</b>	
Order of the Day for the House to be put into a Committee on this Bill read.	1033
<i>Moved</i> ,	
That M. A. Little and A. Clarke (whose Petition was presented this Day), and R. W. C. Reeves (whose Petition was presented on Thursday last), severally praying to be heard by Counsel against the Bill, be heard as prayed.	1033
After short Debate, on Question? their Lordships <i>divided</i> ; Contents 19, Not-Contents 66; Majority 47.	
<i>Resolved</i> in the <i>Negative</i> .	
Division List—Contents and Not-Contents	1034
<b>House put into Committee:—</b>	
Clauses 1 and 2 <i>agreed to</i> .	
Clause 3 (Prohibition of Bag Nets in certain Places)—Amendment <i>moved</i> , To leave out ("or in any other Waters, except in the open Sea") for the purpose of inserting certain other words.	1035
On Question, Whether the words proposed to be left out shall stand part of the Clause? their Lordships <i>divided</i> ; Contents 38, Not-Contents 42; Majority 4.	
Clause, as amended, <i>agreed to</i> .	
Division List—Contents and Not-Contents.	1036
Clause 4 (Penalty on new fixed Nets)— <i>Moved</i> to leave out the word "trout."—( <i>The Earl of Malmesbury</i> ):—Amendment <i>negatived</i> .	1036
<i>Moved</i> to leave out "during the open season of one thousand eight hundred and sixty-two," for the purpose of inserting "and in actual operation at the time of the passing of this Act."—( <i>Lord Chelmsford</i> .)	1037
After short Debate, on Question, Whether the words proposed to be left out shall stand part of the Clause? their Lordships <i>divided</i> ; Contents 44, Not-Contents 28; Majority 18.	1040
<i>Resolved</i> in the <i>Affirmative</i> :—Clause <i>agreed to</i> .	
Division List—Contents and Not-Contents.	
Clauses 5 to 8 <i>agreed to</i> .	
Clause 9 (Construotion of Free Gaps)— <i>Moved</i> , to omit the Proviso at the end of Clause 9.—( <i>Lord Chelmsford</i> .)	1041
After short Debate, on Question, Whether the said Proviso shall stand part of the Clause? their Lordships <i>divided</i> ; Contents 36, Not-Contents 15; Majority 21.	1042
<i>Resolved</i> in the <i>Affirmative</i> :—Clause <i>agreed to</i> .	
Division List—Contents and Not-Contents.	1043
Clauses 10, 11, 12 <i>agreed to</i> .	
New Clause, Page 5, line 39, after Clause 12, <i>moved</i> to insert the following Clause:—("No Net shall be used for the Capture of Salmon or Trout in the Fresh-water Portion of any River, as defined by the Commissioners under this Act, except so far as the same may have heretofore been used within the Limits of a Several Fishery next above the Tidal Flow, and held under Grant or Charter or by immemorial Usage"); ( <i>The Viscount Hutchinson</i> .)	1044

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## FISHERIES (IRELAND) BILL—Committee—continued.

On Question, Whether the said Clause shall be there inserted? their Lordships divided; Contents 11, Not-Contents 27; Majority 16 :—*Motion negatived.*

Division List—Contents and Not-Contents.

Clauses 13 to 19 *agreed to.*

*Moved* to omit Clause 20 : On Question, Whether the said Clause shall stand part of the Bill? their Lordships divided; Contents 18, Not-Contents 19; Majority 1. ... 1044

Division List—Contents and Not-Contents.

Clauses 21 to 29 *agreed to.*

New Clause (Salmon Passes and Fish Ladders to be open to Inspection) inserted.

Remaining Clauses *agreed to.*

Report of the Amendments to be received *To-morrow*; and Bill to be *printed* as amended. (No. 229.)

## Exhibition Medals Bill [H.L.]—

A Bill to prevent false representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862—Was *presented* by The Lord Somerhill, and read 1<sup>st</sup>.

House adjourned at Nine o'clock.

## COMMONS, MONDAY, JULY 20.

MINUTES.]—NEW WRIT ISSUED—*For* Clare County, *v.* Francis M'Namara Calcutt, esquire, deceased.

Select Committee—Malt Duty, Report [No. 460] SUPPLY—Resolution [July 17] reported\*.

WAYS AND MEANS—Resolutions [July 17] reported\*.

PUBLIC BILLS—Considered in Committee—Customs Duty on Spirits\* [No Report].

First Reading—Superannuations (Union Officers)\* [Bill 253]; Consolidated Fund (Appropriation)\*; Clergymen (Colonies)\* [Bill 251]; Alterations in Judges' Circuits\* [Bill 252].

Second Reading—Colonial Acts Confirmation (Lords)\* [Bill 250].

Committee—Indemnity\*; Colonial Letters Patent (Lords)\* [Bill 237]; Jurisdiction

of Justices (Lords)\* [Bill 232]; Land Tax Commissioners' Names\* [Bill 239]; Anchors and Chain Cables [Bill 95].

Report—Indemnity\*; Colonial Letters Patent (Lords)\*; Jurisdiction of Justices (Lords)\*; Land Tax Commissioners' Names\*.

Considered as amended—Promissory Notes and Bills of Exchange\* [Bill 218]; Partnership Law Amendment\* [Bill 242]; Pauper Lunatic Asylums\* [Bill 234].

Third Reading—Railways Clauses\* [Bill 230]; Waterworks Clauses\* [Bill 222]; Turnpike Acts Continuance, &c.\* [Bill 228]; Expiring Laws Continuance\* [Bill 238]; Petty Sessions (Ireland)\* [Bill 235]; Poisoned Grain, &c. Prohibition\* [Bill 223].

Withdrawn—Church Rates Recovery\* [Bill 224]

## LONDON (CITY) TRAFFIC REGULATION BILL [Lords] (by Order)—

Motion made, and Question proposed, "That the Bill be now read the third time." ... 1046

Amendment proposed, to leave out the words "now read the third time," in order to add the words "re-committed to a Committee of the Whole House,"—(Sir John Shelley,)—instead thereof.

After short Debate, Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to*:—Bill read 3<sup>d</sup>, and *passed*, with Amendments.

## GREAT EASTERN RAILWAY (STEAMBOATS) BILL [Lords]—

Motion made, and Question proposed,

"That, in the case of the Great Eastern Railway (Steamboats) Bill, Standing Orders 184, 192, and 220, be suspended, and that the Bill be now taken into Consideration."—(Mr. C. Forster.) ... 1048

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "To-morrow, at Six of the Clock."—(Mr. Massey.)

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to*:—Bill *considered.*

Motion made, and Question proposed, "That the Bill be read the third time."

Amendment proposed, at the end of the Question, to add the words "upon this day two months."—(Mr. Crawford.) ... 1049

After short Debate, Question put, "That those words be there added:—The House divided; Ayes 59, Noes 121; Majority 62.

Main Question put, and *agreed to.*



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## ARMY PRIZE PROPERTY—

Answer to Address [14th July] reported, as follows:—

*I have received your Address, praying that a Commission may be issued to inquire into the realization of Army Prize Property, and its mode of distribution, and into the cause of the delays which have, in most cases, occurred in its distribution to the Captors, with a view to a remedy for the same.*

*And I have given directions that a Commission shall issue for the purpose which you have requested.*

POST OFFICE CONTRACTS—Observations, The Chancellor of the Exchequer .. 1062

THE TELEGRAPH TO BRITISH COLUMBIA—Question, Mr. Wyld; Answer, Mr. Chichester Fortescue .. .. 1052

DISEASED SHEEP AND CATTLE—Question, Mr. Hume; Answer, Sir George Grey 1053

CRIMINAL LAWS OF JERSEY—Question, Mr. Hadfield; Answer, Sir George Grey 1054

THE ROYAL FORESTS IN ESSEX—Question, Viscount Enfield; Answer, Mr. Peel .. .. 1055

PASSENGER CARRIAGES ON RAILWAYS—Question, Mr. Alderman Salomons; Answer, Mr. Milner Gibson .. .. 1055

BANKRUPTCY STATISTICS—Question, Mr. Murray; Answer, The Solicitor General .. .. 1056

MEDICAL OFFICERS IN THE ARMY—Question, Mr. Blake; Answer, The Marquess of Hartington .. .. 1056

THE LATE RIOTS AT ST. VINCENT'S—Question, Mr. W. E. Forster; Answer, Mr. Chichester Fortescue .. .. 1057

DAUNT'S ROCK—Question, Mr. Maguire; Answer, Mr. Milner Gibson .. 1057

On the Motion of *Viscount Palmerston*, Ordered, That the Orders of the Day be postponed till after the Notice of Motion relative to Poland.

AFFAIRS OF POLAND—Motion made, and Question proposed,

"That, in the opinion of this House, the arrangements made with regard to Poland by the Treaty of Vienna have failed to secure the good government of Poland or the peace of Europe; and any further attempt to replace Poland under the conditions of that Treaty must cause calamities to Poland and embarrassment and danger to Europe."—*(Mr. Horsman.)* ... .. 1058

After long Debate, Motion, by leave, *withdrawn*.

## ANCHORS AND CHAIN CABLES BILL [Bill 95]—

Bill considered in Committee:—

(In the Committee.)

Clauses 1 and 2 agreed to.

Clause 3 (As to Charges for testing and affixing Proof Mark) ... 1136

Question put, "That the Clause, as amended, stand part of the Bill:—"The Committee divided; Ayes 25, Noes 34; Majority 9:—Clause struck out.

Clauses 4 and 5 agreed to.

Clause 6 (Inspector to be appointed by Board of Trade) ... 1136

After short Debate, Question put, "That the Clause stand part of the Bill:—"The Committee divided; Ayes 27, Noes 31; Majority 4:—Clause struck out.

Clause 7 agreed to:—Clause 8 struck out.

Clause 9 (Vessels to be equipped with stamped Anchors and Cables) ... 1137

Short Debate thereon. [No Report.]

CONSTRUCTORS OF THE NAVY—Motion made, and Question proposed,

"That there be laid before this House, Returns of the names, ages, and periods of service in detail, of the two Constructors of the Navy, the Master Shipwrights, and the Assistant Master Shipwrights of Her Majesty's Royal Dockyards:

And, of the age and length of service of Mr. E. J. Reed, who has been nominated for the post of Chief Constructor of the Navy; giving the date of his entry as an Apprentice, and as Supernumerary Draughtsman of Her Majesty's Dockyard, Sheerness; the date when he left the Service, and the reason thereof; together with any information as to the employment of Mr. Reed since he left Her Majesty's Service."—*(Mr. Ferrand.)* 1138

Question put:—The House divided; Ayes 14, Noes 23; Majority 9.

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## CUSTOMS DUTY ON SPIRITS—*considered* in Committee:—

(In the Committee.)

Motion made, and Question proposed,

"That the Chairman be directed to move the House, that leave be given to bring in a Bill, to reduce the Customs Duty on certain Spirits to be used in the Arts and Manufactures in the United Kingdom."—(*Mr. Peel.*) ... 1140

Question put, and *negatived*. [No Report.]

## Consolidated Fund (Appropriation) Bill—

Bill to apply a sum, out of the Consolidated Fund and the Surplus of Ways and Means, to the Service of the year one thousand eight hundred and sixty-three, and to appropriate the Supplies granted in this Session of Parliament, *presented*, and read 1<sup>o</sup> \*.

## Superannuations (Union Officers) Bill

Bill to provide for Superannuation Allowances to Officers of Unions and Parishes, *presented*, and read 1<sup>o</sup> \*. [Bill 253.]

House adjourned at half  
after Two o'clock.

## LORDS, TUESDAY, JULY 21.

MINUTES.]—PUBLIC BILLS—*First Reading*  
—Railways Clauses \* (No. 238); Water-works Clauses \* (No. 239); Turnpike Acts Continuance, &c. \* (No. 240); Expiring Laws Continuance \* (No. 241); Petty Sessions (Ireland) \* (No. 242); Poisoned Grain, &c. \* (No. 243); Promissory Notes and Bills of Exchange \* (No. 244).

*Second Reading*—Charitable Uses \* (No. 153); Union Relief Aid Acts Continuance \* (No. 231); Companies Clauses \* (No. 232); Turnpike Trusts Arrangements \* (No. 233); Exhibition Medals [H.L.] \* (No. 234).

*Committee*—Navy Prize Agents (Nos. 210 & 235); Fortifications (Provision for Expenses) \* (No. 225); Public Works and Fisheries Acts Amendment \* (No. 201).

*Report*—Fisheries (Ireland) (No. 229 & 236); Fortifications (Provision for Expenses) \*; Public Works and Fisheries Acts Amendment \*; Vaccination (Scotland) \* (No. 230).

*Third Reading*—Pier and Harbour Orders Confirmation \* (No. 220); Misappropriation by Servants \* (No. 227); Harwich Harbour \* (No. 174); Howth Harbour \* (No. 180); India Stock \* (No. 223); Sydney Branch Mint \* (No. 217); and severally *passed*.

*Royal Assent*—Poor Law Board Continuance [26 & 27 Vict., c. 55]; Loan Societies [26 & 27 Vict., c. 56]; Regimental Debts, &c. [26 & 27 Vict., c. 57]; Police and Improvement (Scotland) (Provisional Order) [26 & 27 Vict., c. 60]; Growing Crops Seizure (Ireland) [26 & 27 Vict., c. 62]; Volunteers [26 & 27 Vict., c. 65]; Waywardens' Contracts [26 & 27 Vict., c. 61]; Prisons (Ireland) [26 & 27 Vict., c. 66]; Greenwich Hospital (Provision for Widows) [26 & 27 Vict., c. 67]; Metropolitan Main Drainage Extension [26 & 27 Vict., c. 68]; Officers of Royal Naval Reserve [26 & 27 Vict., c. 69]; Public Works (Manufacturing Districts) [26 & 27 Vict., c. 70]; Land Drainage (Provisional Orders) [26 & 27 Vict., c. 63]; Sir Robert Hitcham's Charity [26 & 27 Vict., c. 58]; Ruthin Charities [26 & 27 Vict., c. 59]; Local Government Supplemental (No. 2) [26 & 27 Vict., c. 17].

BREACH OF PRIVILEGE—Statement of the Earl of Donoughmore. .. 1141

## Navy Prize Agents Bill (No. 210)—

House in Committee (according to Order):— .. 1142

After short Debate, Amendments made: The Report thereof to be received on *Thursday* next; and Bill to be *printed* as amended. (No. 235.)

## Alkali Works Regulation Bill [H.L.] (No. 215)—

Commons' Amendments *considered* (according to Order). .. 1143

After short Debate, Commons' Amendment by the insertion of the words "in any one period of four hours" *disagreed to*; the other Amendments *agreed to*.

*Moved* to disagree to Clause A (Owner to be liable for Offences in the first instance), added by the Commons.—(*The Earl of Derby.*) ... 1144

After short Debate, on Question if their Lordships *divided*; Contents 47, Not-Contents 24; Majority 23:—Clause *disagreed to*.

Division List—Contents and Not-Contents ... 1144

The other Amendments *agreed to*; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords *disagreeing* to the above Amendment: The Committee to meet on *Thursday* next: at a Quarter before Five o'clock.

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## Fisheries (Ireland) Bill (No. 229)—

Amendments reported (according to Order).

*Moved* to insert the following Proviso :—"Provided always, that this Act or anything herein contained shall not take away, affect, or prejudice any Right, Title, or Interest which is now possessed, enjoyed, or exercised under or by virtue of the Declarations or Enactments made and contained by and in the Eighteenth and Nineteenth Sections respectively of the Act of the Fifth and Six Years of Her present Majesty, intituled 'An Act to regulate the Irish Fisheries,' anything herein-before contained to the contrary in any wise notwithstanding."—(Lord Wensleydale.) ... 1145

After short Debate, on Question ? their Lordships divided ; Contents 17, Not-Contents 49 ; Majority 32 :—*Resolved* in the Negative.

Division List—Contents and Not-Contents ... .. 1147

Further Amendments made. ... .. 1148

Bill to be read 3<sup>d</sup> on Thursday next ; and to be printed as amended. (No. 236.)

House adjourned at a quarter past Eight o'clock.

## COMMONS, TUESDAY, JULY 21.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee*—Rum. Considered as amended—Land Tax Commissioners' Names \* [Bill 239].

First Reading—Rum Duty [Bill 256].

Second Reading—Consolidated Fund (Appropriation) ; Clergymen (Colonies) (Lords) \* [Bill 251] ; Alterations in Judges' Circuits (Lords) \* [Bill 252] ; Superannuations (Union Officers) \* [Bill 253]. Third Reading—Promissory Notes and Bills of Exchange \* [Bill 218] ; Indemnity \* ; Colonial Letters Patent (Lords) \* [Bill 237] ; Jurisdiction of Justices (Lords) \* [Bill 232] ; Pauper Lunatic Asylums \* [Bill 234] ; and severally passed.

Committee — Augmentation of Benefices (Lords) [Bill 134]—R.P. Withdrawn—Petty Offences [Bill 240] ; Railway Bills (No. 2) [Bill 216].

## Consolidated Fund (Appropriation) Bill—

Bill read 2<sup>d</sup>, and committed for To-morrow. .. .. 1149

## Augmentation of Benefices Bill (Lords) [Bill 134]—

Bill considered in Committee :—

(In the Committee.)

Clause 1 agreed to.

Clause 2 (Parties desirous of purchasing Advowsons to make an offer to the Lord Chancellor stating Terms)—Clause agreed to. ... .. 1150

Clause 3 (More Offers than One may be received)—Amendment proposed, at the end of the Clause, to add the words "Provided the Lord Chancellor shall not accept an offer from any person other than a person being an owner or occupier of land in the parish to which any of the said advowsons relate."—(Mr. Ayrton.) ... 1150

After Debate, Question put, "That those words be there added :"—The Committee divided ; Ayes 17, Noes 45 ; Majority 28.

Clause agreed to :—Clause 4 agreed to.

Clause 5 (Purchasers may pay the Money into the Bank or in other Modes, with Consent of Lord Chancellor) — Amendment proposed, empowering the purchaser of an Advowson to pay for or satisfy the same by (among other modes) conveying tithe rent-charges arising within the parish of an equivalent yearly value.—(Lord John Manners.) ... .. 1155

Amendment agreed to :—Clause agreed to.

Clauses 6 to 19 agreed to.

Clause 20 (Corporations may purchase these Advowsons)—Amendment proposed, to insert words limiting the Clause to corporations now entitled by law to hold Advowsons. ... .. 1156

Amendment agreed to :—Clause, as amended, agreed to.

Clauses 21 to 30 agreed to.

Clause 31 (Remuneration to Secretary of Presentations)—After short Debate, Question put, "That the Clause stand part of the Bill :"—The Committee divided ; Ayes 24, Noes 37 ; Majority 13 :—Clause struck out. ... .. 1156

Committee report Progress ; to sit again To-morrow.

THE CHURCH IN IRELAND—Question, Sir Hervey Bruce ; Answer, Sir Robert Peel .. .. 1157

CLOONE LOAN FUND—Question, Mr. W. O. Gore ; Answer, Sir Robert Peel .. 1157

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BANKRUPTCY AND INSOLVENCY COURT (DUBLIN)— On Motion of <i>Mr. Vance</i> , after short Debate, Copy <i>ordered</i> , “ Of any Correspondence which has taken place between the Judges of the Bankruptcy and Insolvency Court (Dublin), as to the insufficient accommodation now afforded to the Bar, the suitors, and the public in that Court.”—( <i>Mr. Vance.</i> ) ... ..	1183
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After short Debate, Motion, by leave, <i>withdrawn</i> .	
CAPE OF GOOD HOPE—PACKET CONTRACTS—Motion made, and Question proposed, “That the Contract for the conveyance of the Cape of Good Hope Mails with the Union Steam Ship Company be approved.”—( <i>Mr. Peel</i> .)	1201
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DUTY ON RUM— <i>considered in Committee</i> :—	
(In the Committee.)	
<i>Resolved</i> , That the Chairman be directed to move the House, That leave be given to bring in a Bill to reduce the Duty on Rum in certain cases.—( <i>Mr. Peel</i> .)	1202
Resolution reported :—Bill <i>ordered</i> to be brought in by Mr. Peel and Mr. Chancellor of the Exchequer :—Bill <i>presented</i> , and read 1 <sup>o</sup> . [Bill 256.]	
Petty Offences Bill [Bill 240]—	
Motion made, and Question proposed, “That the Bill be now read a second time.”—( <i>Mr. Whalley</i> .)	1203
Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day month.”—( <i>Mr. Bruce</i> .)	1204
Question proposed, “That the word ‘now’ stand part of the Question.”	
After short Debate, Amendment and Motion, by leave, <i>withdrawn</i> .	
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Railway Bills (No. 2) Bill [Bill 216]—	
Order for Second Reading read.	1204
After short Debate, Order <i>discharged</i> :—Bill <i>withdrawn</i> .	

House adjourned at a quarter before One o'clock.

## COMMONS, WEDNESDAY, JULY 22.

MINUTES.]—PUBLIC BILLS— <i>Second Reading</i>	Appropriation *; Augmentation of Benefices
—British Columbia Boundaries ( <i>Lords</i> ) *	( <i>Lords</i> ) [Bill 134]—R.F.
[Bill 187]; Rum Duty * [Bill 256].	Report—Church Building and New Parishes
Report of Select Committee—Church Building	Acts Amendment (No. 483) * [Bill 260];
and New Parishes Acts Amendment Bill,	Statute Law Revision ( <i>Lords</i> ); Colonial Acts
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Committee—Statute Law Revision ( <i>Lords</i> )	Appropriation *
[Bill 233]; Colonial Acts Confirmation	Third Reading—Land Tax Commissioners’
( <i>Lords</i> ) * [Bill 260]; Consolidated Fund	Names * [Bill 239], and <i>passed</i> .

### PRIVATE BUSINESS—STANDING ORDERS 197 AND 227—

- On Motion of *Mr. Massey*, that Standing Orders 197 and 227 be suspended for the remainder of the Session,
- Ordered*, That Standing Orders 197 and 227 be suspended for the remainder of the Session.
- Ordered*, That, as regards Private Bills already returned by the House of Lords with Amendments, such Amendments be considered *To-morrow*.
- Ordered*, That when it is intended to propose any Amendments thereto, a Copy of such Amendments shall be deposited in the Private Bill Office, and Notice thereof given this day.
- Ordered*, That, as regards Private Bills to be returned by the House of Lords with Amendments, such Amendments be considered on the next sitting of the House after the day on which the Bill shall have been returned from the Lords.
- Ordered*, That when it is intended to propose any Amendments thereto, a Copy of such Amendments shall be deposited in the Private Bill Office, and Notice thereof given on the day on which the Bill shall have been returned from the Lords.—(*Mr. Massey*.)

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Amendment proposed, To leave out from the word “That” to the end of the Question, in order to add the words “this House will, upon this day week, resolve itself into the said Committee,”—( <i>Mr. Hennessy</i> .)—instead thereof. ...	1213
Question proposed, “That the words proposed to be left out stand part of the Question.”	
After Debate, Amendment, by leave, <i>withdrawn</i> .	
Main Question put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee:— (In the Committee.)	
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After short Debate, Clause, as amended, <i>agreed to</i> .	
Clause 2 (Extent of Act)—After short Debate, Clauses 2 and 3 <i>agreed to</i> ...	1223
Schedule—Amendment moved, in page 19 of the Schedule, to leave out “Magna Charta, the great charter of the liberties of England, and of the liberties of the forest:”— ( <i>Mr. Hennessy</i> :)—After short Debate, Amendment <i>negatived</i> ...	1226
Another Amendment moved, to omit the Preamble of the Act from the Schedule:— ( <i>Mr. Hennessy</i> :)—Amendment <i>negatived</i> ...	1228
After short Debate, Schedule, as amended, <i>agreed to</i> .	
Bill <i>reported</i> , with Amendments; as amended, to be considered <i>To-morrow</i> at Twelve of the clock.	

## Augmentation of Benefices Bill (*Lords*) [Bill 134]—

Bill *considered* in Committee:—

(In the Committee.)

Remaining Clauses *agreed to*.

Schedule *agreed to*.

New Clause, after Clause 6, providing, that in case the Ecclesiastical Commissioners shall have any tithe-rent charge in possession arising within a parish, they may grant the same to the value and in lieu of the annuity referred to in the Bill:—(*Lord John Manners* :)—Motion *withdrawn*. ...
 1229 |

Committee report Progress; to sit again *To-morrow*, at Twelve of the clock.

House adjourned at ten minutes before Six o'clock.

## LORDS, THURSDAY, JULY 23.

MINUTES.]—PUBLIC BILLS—*First Reading*  
—Consolidated Fund Appropriation\*; Indemnity\* (No. 246); Land Tax Commissioners' Names\* (No. 247); Pauper Lunatic Asylums\* (No. 248).

*Second Reading*—Poisoned Grain, &c. Prohibition\* (No. 243); Removal of Prisoners (Scotland)\* (No. 200); Railway Clauses\* (No. 238); Waterworks Clauses\* (No. 239); Turnpike Acts Continuance, &c.\* (No. 240); Expiring Laws Continuance\* (No. 241); Petty Sessions (Ireland)\* (No. 242).

Committee—Trustees (Scotland) Act Amendment\* (No. 53); Nuisances Removal Act (1855) Amendment\* (Nos. 226 & 249);

Union Relief Aid Acts Continuance\* (No. 231); Turnpike Trusts Arrangements\* (No. 233).

*Report*—Trustees (Scotland) Act Amendment\*; Navy Prize Agents\*; Union Relief Aid Acts Continuance\*; Turnpike Trusts Arrangements\*; Nuisances Removal Act (1855) Amendment\*.

*Third Reading*—Stipendiary Magistrates\* (No. 222); Fisheries (Ireland) (No. 236); Fortifications (Provision for Expenses)\* (No. 225); Public Works and Fisheries Acts Amendment\* (No. 201); Vaccination (Scotland)\* (No. 230); Exhibition Medals [H.L.]\* (No. 234); and severally *passed*.

TIGHT-ROPE ACCIDENT AT BIRMINGHAM—Observations, The Earl of Malmesbury;  
Reply, Earl Granville ..

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## Alkali Works Regulation Bill [H.L.] (No. 215)—

Report from the Committee of Reasons to be offered to the Commons for the Lords disagreeing to One of the Amendments made by the Commons to the said Bill; read, and *agreed to* \*; and Bill, with the Amendments and Reasons, returned to the Commons.

## Business of the House—

*Ordered* \*, That on Friday and Monday next the Bill or Bills which are entered for Consideration on the Minutes of the Day shall have the Precedence which Bills have on Tuesdays and Thursdays.—(*The Chairman of Committees.*)

## Fisheries (Ireland) Bill (No. 236)—

*Moved*, That the Bill be now read 3<sup>a</sup>: (*Lord Stanley of Alderley.*) .. 1235

Amendment made, to leave out ("now") and insert ("this day three months"): (*Lord Cranworth.*) .. 1235

After short Debate, on Question, That ("now") stand Part of the Motion? their Lordships *divided*; Contents 40, Not-Contents 25; Majority 15:—*Resolved* in the *Affirmative*.

Bill read 3<sup>a</sup> accordingly, with the Amendments.

Division List—Contents and Not-Contents .. 1243

Amendment proposed to add—

"Provided also, that nothing in this Act contained shall interfere with any Rights held at the Time of the passing of this Act under Royal Grant or Charter or possessed from Time immemorial:" (*Lord Cranworth.*) ... 1243

On Question? their Lordships *divided*; Contents 23, Not-Contents 34; Majority 11:—Amendment *negatived*.

Another Amendment proposed, to restore Clause 20 (Weekly Close Time for Stake Nets, &c.): (*The Earl of Donoughmore.*) .. 1244

On Question? their Lordships *divided*; Contents 12, Not-Contents 37; Majority 25:—*Resolved* in the *Negative*.

Protest against the Third Reading of the Bill .. 1244

Another Amendment proposed, in Clause 24, limiting its operations to the cases of rivers which did not exceed 100 yards in width: (*The Earl of Donoughmore.*):—Amendment *negatived*. .. 1245

Another Amendment proposed, to add—

"Provided always that nothing herein contained shall prevent any person having a bag net or engine now in use, and in respect of which licence duty has been paid, from continuing the use of the same during the remainder of the present season:" (*The Earl of Airlie.*)

Motion *agreed to*: Proviso *added*.

Bill *passed*.

House adjourned at a quarter before Eight o'clock.

## COMMONS, THURSDAY, JULY 23.

MINUTES.]—SECRET COMMITTEE—on Ordinance, Report (No. 487).

RESOLUTIONS IN COMMITTEE—East India Revenue Accounts.

PUBLIC BILLS.—*First Reading*—Exhibition Medals (*Lords*) \* [Bill 261].

Committee—British Columbia Boundaries \* (*Lords*) [Bill 187]; Augmentation of Benefices (*Lords*) [Bill 134]; Rum Duty \* [Bill 250]; Clergymen (Colonies) (*Lords*) \* [Bill 251]; Alterations in Judges' Circuits (*Lords*) \* [Bill 252].

Report—British Columbia Boundaries \* (*Lords*); Augmentation of Benefices (*Lords*); Rum

Duty \*; Clergymen (Colonies) (*Lords*) \*; Alterations in Judges' Circuits (*Lords*) \*.

*Considered as amended*—Statute Law Revision (*Lords*) \* [Bill 233]; Augmentation of Benefices (*Lords*) \* [Bill 134]; Clergymen (Colonies) (*Lords*) \* [Bill 251]; Alterations in Judges' Circuits (*Lords*) \* [Bill 252].

*Third Reading*—Consolidated Fund (Appropriation); Colonial Acts Confirmation (*Lords*) \* [Bill 250]; Partnership Law Amendment \* [Bill 242]; and severally *passed*.

*Withdrawn*—Superannuations (Union Officers) \* [Bill 253].

## Consolidated Fund (Appropriation) Bill—

Order for Third Reading read. .. 1426

After Debate, Bill read 3<sup>o</sup>.

Question, "That the Bill do pass." ..

After Debate, Motion *agreed to*:—Bill *passed*.

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## Augmentation of Benefices Bill (*Lords*) [Bill 134]—

Bill considered in Committee:—

(In the Committee.)

New Clause—(No conveyance of any advowson shall be made to any purchaser under this Act until it shall be proved to the satisfaction of the Lord Chancellor, for the time being, that a deed has been executed by all proper parties for the purpose of vesting the right of presentation in perpetuity of the advowson to be conveyed in some one or more persons, not exceeding four, being owners or occupiers of land in the parish to which such advowson relates, and being members of the Church of England and Ireland; and such deed shall be valid and effectual to vest such right of presentation in perpetuity irrevocably in such owners or occupiers for the time being.)—(*Mr. Ayrton*.) ... .. 1274

Clause brought up, and read 1<sup>o</sup>.

Motion made, and Question put, "That the said Clause be now read a second time :"—The Committee divided; Ayes 18, Noes 47; Majority 29.

New Clause—"It shall not be lawful for the purchaser or grantee of any advowson under this Act, his heirs, successors, or assigns, to sell, assign, or otherwise dispose of, for any valuable consideration whatsoever, the next or any subsequent turn or turns of presentation of such advowson apart and separately from the residue of such advowson, but every presentation, collation, admission, institution, or induction thereupon shall be void; and the right of patronage shall thereupon, for that turn, lapse to the Lord Chancellor for the time being."—(*Mr. Morrison*.)

Clause brought up, and read 1<sup>o</sup>.

After short Debate, Question put, "That the said Clause be now read a second time :"—The Committee divided; Ayes 23, Noes 45; Majority 22.

Bill reported, with Amendments; as amended, to be considered *this day*.

## Superannuations (Union Officers) Bill [Bill 253]—

Order for Committee read, and discharged:—Bill withdrawn. .. 1275

SCOTCH HEERINGS FOR AUSTRIA—Question, Mr. Grant Duff; Answer, Mr. Layard .. .. 1275

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OUTRAGES IN RAILWAY CARRIAGES—Question, Mr. Blake; Answer, Mr. Milner Gibson .. .. 1285

INDIA—THE FINANCIAL STATEMENT—EAST INDIA REVENUE ACCOUNTS—Order for Committee thereon read. .. .. 1286



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After Debate, East India Revenue Accounts *considered* in Committee:—  
(In the Committee.)

## Resolutions,

- "1. That the total net Revenues of the Territories and Departments under the immediate control of the Government of India, for the year ended the 30th day of April 1862, amounted to £3,217,369 sterling, and the Charges thereof, for the same period, other than Military Charges, amounted to £2,991,607 sterling.
- "2. That the total net Revenues of the Bengal Presidency, for the year ended the 30th day of April 1862, amounted to £11,066,945 sterling, and the Charges thereof, for the same period, other than Military Charges, amounted to £2,134,301 sterling.
- "3. That the total net Revenues of the North-Western Provinces for the year ended the 30th day of April 1862, amounted to £5,993,549 sterling, and the Charges thereof, for the same period, other than Military Charges, amounted to £1,806,575 sterling.
- "4. That the total net Revenues of the Punjab, for the year ended the 30th day of April 1862, amounted to £2,673,785 sterling, and the Charges thereof, for the same period, other than Military Charges, amounted to £1,257,805 sterling.
- "5. That the net Revenues of the Territories and Departments under the immediate control of the Government of India, of the Bengal Presidency, of the North-Western Provinces, and of the Punjab, together, for the year ended the 30th day of April 1862, amounted to £22,951,648 sterling, and the Charges thereupon, including the Military Charges, amounted to £15,558,194 sterling, leaving a surplus available for the general Charges of India, of £7,393,454 sterling.
- "6. That the total net Revenues of the Madras Presidency (Fort St. George), for the year ended the 30th day of April 1862, amounted to £5,925,140 sterling, and the net Charges thereof, for the same period, amounted to £5,905,809 sterling, leaving a surplus available in the above Presidency, for the general Charges of India, of £19,331 sterling.
- "7. That the total net Revenues of the Bombay Presidency, for the year ended the 30th day of April 1862, amounted to £6,844,274 sterling, and the net Charges thereof, for the same period, amounted to £4,538,446 sterling, leaving a surplus available in the above Presidency, for the general Charges of India, of £2,305,828 sterling.
- "8. That the total net Revenues of the several Presidencies, for the year ended the 30th day of April 1862, amounted to £35,721,062 sterling, and the Charges thereof amounted to £26,003,449 sterling, leaving a surplus Revenue of £9,718,613 sterling.
- "9. That the Interest on the Registered Debt of India, paid in the year ended the 30th day of April 1862, amounted to £3,134,897 sterling, and the Charges defrayed in England, on account of the Indian Territory, in the same period, including Guaranteed Interest on the Capital of Railway and other Companies, after deducting net Traffic Receipts of Railways, amounted to £6,634,344 sterling, leaving a deficiency of Indian Income for the year ended as aforesaid, to defray the above Interest and Charges, of £60,628 sterling."—(Sir Charles Wood.) " " " " 1293

After Debate, Resolutions *agreed to*.

Resolutions to be reported *To-morrow*, at Twelve of the clock.

## British Columbia Boundaries Bill (Lords) [Bill 187]—

Order for Committee read. . . . . " " 1322

After Debate, Bill *considered* in Committee:— " " 1326

(In the Committee.)

Clause 1 (Repeal of 1st Section of 21 & 22 Vict., c. 99)—Clause *agreed to*.

Clauses 2 and 3 *agreed to*.

Clause 4 (Alteration of Boundaries)—On Motion of Mr. Chichester Fortescue, Clause *struck out*.

Bill *reported*, with an Amendment; as amended, to be considered *To-morrow*, at Twelve of the Clock.

## FISHERIES (UPPER SHANNON)—On Motion of Colonel Dickson, Copy ordered,

"Of the Reports made by the Inspector of Fisheries and by Mr. Forsythe, O.E., to the Commissioners of Public Works relative to the defective state of the Fish Ladders on the Upper Shannon from Athlone to Boyle."—(Colonel Dickson.) " " 1328

HOLYHEAD HARBOUR—Motion made, and Question proposed, "That, in the opinion of this House, the Recommendations made in the Report of the Select Committee on Holyhead Harbour ought to be adopted."—(Colonel Dunne.) " " " " 1329

After short Debate, Question put, and *negatived*.

House adjourned at One o'clock.

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<b>MINUTES.]—SELECT COMMITTEE—Report</b>	<b>Considered as amended—British Columbia Boundaries (Lords) [Bill 187].</b>	
—Navy (Promotion and Retirement) [No. 591].	<b>Third Reading—Rum Duty [Bill 256]; Augmentation of Benefices (Lords) * [Bill 134]; Alterations in Judges' Circuits (Lords) * [Bill 252]; Clergymen (Colonies) (Lords) * [Bill 251]; Statute Law Revision (Lords) * [Bill 233].</b>	
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<b>PUBLIC BILLS—Second Reading—Exhibition Medals (Lords) [Bill 261].</b>		
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Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day week.”—( <i>Mr. Hennessy.</i> )	.. ..	1357
Question proposed, “That the word ‘now’ stand part of the Question.”		
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Main Question put, and <i>agreed to</i> :—Bill read 3 <sup>d</sup> , and passed, with Amendments,		
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Amendments made by The Lords to the Amendments made by this House <i>agreed to.</i>	
Motion made, and Question proposed, “That this House doth insist on the Amendment made by this House to the said Bill to which the Lords have disagreed.”—( <i>Mr. Somerset Beaumont.</i> )	
After short Debate, Question put :—The House divided ; Ayes 46, Noes 31 ; Majority 15.	
Committee <i>appointed,</i>	
“To draw up Reasons to be assigned to The Lords for insisting on the Amendment made by this House to the said Bill to which The Lords have disagreed :”— <i>Mr. Somerset Beaumont, Mr. Doulton, Mr. Bruce, Sir George Grey, Mr. Peel, and Mr. Brand.</i>	
To withdraw immediately ; Three to be the quorum.	
MALTA NEW DOCK—On Motion of <i>Sir John Hay</i> , Copy <i>ordered</i> , “of any further Papers relating to the proposed New Dock at Malta.”	1429

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## WEST INDIA MAIL CONTRACTS—*Resolved*,

That the Contract for the conveyance of the West India Mails with the Royal Mail Steam Packet Company, dated the 22nd day of July 1863, be approved.—(*Mr. Peel.*)

House adjourned at a quarter before Two o'clock.

## LORDS, SATURDAY, JULY 25.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Rum Duty\* (No. 251).  
*Third Reading*—Indemnity\*; Land Tax Commissioners' Names\* (No. 246); Promissory Notes and Bills of Exchange\* (No. 244); Poisoned Grain, &c. Prohibition

(No. 243); Removal of Prisoners (Scotland)\* (No. 200); Charitable Uses\* (No. 152); Companies Clauses\* (No. 232); Railways Clauses\* (No. 238); Expiring Laws Continuance\* (No. 241); Rum Duty\* (No. 251).

## Telegraphs Bill [Bill 252]

Commons' Reasons for disagreeing to certain of the Amendments made by the Lords to this Bill *considered*:— .. 1431

The Amendments to which the Commons disagree not insisted on.

On Motion of Lord Stanley of Alderley, Commons' Amendments agreed to, with a Proviso in Clause 20, that the Power therein given to telegraph companies to carry their wires over gardens in cities and boroughs, without consent of owners, should not apply to ornamental gardens or pleasure grounds; Also with another Proviso, that in cases where assent of civic authorities only is required, public notice thereof should be given by companies.

Other Amendments amended: The remainder of the Amendments agreed to; and Bill, with the Amendments, returned to the Commons.

## Poisoned Grain, &c. Prohibition Bill [Bill 243]—

Bill read 3<sup>d</sup>. .. 1431

Moved, to omit from Clause 3 the words "ground or," confining the operation of the Act to grain laid in exposed places: (*The Earl of Cork.*)

On Question, Whether to agree to the said Amendment? their Lordships divided:—Contents 4, Not-Contents 13; Majority 9:—*Resolved* in the Negative.

Division List—Contents and Not-Contents .. 1432

## Alkali Works Regulation Bill [H.L.] (No. 215)—

Returned from the Commons, with a Reason for insisting on One of the Amendments made by them to the Bill to which the Lords have disagreed; and with the other Amendments made by the Lords to the Amendments made by the Commons, *agreed to*: Reason, and Bill with the Amendments, to be printed; and to be considered on Monday next. (Nos. 257 and 258.)

STATUTE LAW REVISION BILL [H.L.]—Observations, Lord St. Leonards, The Lord Chancellor .. 1432

House adjourned at Two o'clock.

## COMMONS, SATURDAY, JULY 25.

## Fisheries (Ireland) Bill [Bill 267]—

Lords' Amendments *considered*:— .. 1433

Page 1, line 14, the first three Amendments, read a second time.

Clause 3 (Prohibition of Bag Nets in certain Places)—Motion, "That the House do not agree to the Lords' Amendments, so far as they would allow of Bag Nets being used or erected in the estuaries."—(*Colonel Dunne.*) ... 1434

After short Debate, Motion made, and Question put, "That this House doth agree with the Lords in the said Amendments:—"The House divided; Ayes 40, Noes 13; Majority 27.

Amendments, as far as the Amendment in page 8, line 19, *agreed to*.

Page 8, line 19, the next Amendment, read a second time. ... 1435

Clause 17 (Power to define Estuaries and Mouths of Rivers)—Motion, "That the House disagree with the Lords' Amendment."—(*Mr. Butt.*)

After short Debate, Motion, by leave, *withdrawn*, and the Lords' Amendment *agreed to*.

Clause A (Penalty for using Boat or Cot for the Capture of Salmon during the weekly Close Time)—Amendment proposed, to leave out the words "for the first offence."

—(*Lord Fernoy.*) ... 1436

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Question, "That the words proposed to be left out stand part of the Amendment," put, and agreed to.	
Amendment agreed to.	
Page 9, the next Amendment, leave out Clause 20 (Weekly Close Season), read a second time.	1437
Motion, to restore Clause 20.—( <i>Mr. Blake</i> .)	
After short Debate, Motion made, and Question put, "That this House doth agree with The Lords in the said Amendment :"—( <i>Sir Robert Peel</i> :)—The House divided; Ayes 34, Noes 17; Majority 17.	
Page 9, line 34, the next Amendment, read a second time.	1437
Clause B (Nets not to be used between Eight o'clock in the Evening and Six o'clock in the Morning)—Amendment proposed, to leave out the words "between the hours of eight of the clock in the evening and six of the clock in the morning."—( <i>Mr. Butt</i> .)	
Question proposed, "That the words proposed to be left out stand part of the Amendment."	
After short Debate, Amendment, by leave, <i>withdrawn</i> .	
Motion made, and Question put, "That this House doth agree with The Lords in the said Amendment made by their Lordships :"—The House divided; Ayes 26, Noes 14; Majority 11.	
Page 10, line 5, the next Amendment, read a second time.	1438
After short Debate, Motion made, and Question put, "That this House doth agree with the Lords in the said Amendment :"—( <i>Mr. Bruce</i> :)—The House divided; Ayes 36, Noes 4; Majority 32. [Special entry.]	
Subsequent Amendments agreed to.	
House adjourned at a quarter before Three o'clock,	

## LORDS, MONDAY, JULY 27.

**MINUTES.]—PUBLIC BILL—Third Reading—Consolidated Fund Appropriation.**

### **Alkali Works Regulation Bill [H.L.] (No. 258)—**

Commons' Reason for insisting on One of the Amendments made by the Lords considered. (Nos. 257 and 258.)	1439
Then it was moved, not to insist on the Amendment to which the Commons have disagreed: ( <i>Lord Stanley of Alderley</i> .)	
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**GREEN—CESSION OF THE IONIAN ISLANDS—Observations, Viscount Stratford de Redcliffe; Reply, Earl Russell :—Debate thereon** .. 1440

### **METROPOLITAN RAILWAYS—Moved,**

That an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Commission to inquire into and report upon the Principles which ought to guide further Legislation on the Subject of Metropolitan Railways; ( <i>The Lord Campbell</i> .)	1453
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House adjourned at twenty minutes after Six o'clock.

## COMMONS, MONDAY, JULY 27.

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**NAVY—PORTSMOUTH DOCKYARD—Question, Mr. Corry; Answer, Lord Clarence Paget** .. 1465

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**THE NAUTICAL SCHOOL AT GREENWICH—Question, Sir Morton Peto; Answer, Mr. Stansfeld** .. 1466

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Answer, Mr. H. A. Bruce ..	1471
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Motion made, and Question proposed, "That the Bill be now read the third time." ..	1477
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Question put, "That the word 'now' stand part of the Question!"—The House <i>divided</i> ; Ayes 62, Noes 15; Majority 47.	
Main Question put, and <i>agreed to</i> :—Bill read 3 <sup>d</sup> , and <i>passed</i> .	
<b>Telegraphs Bill [Bill 278]—</b>	
Lords' Amendments to Commons' Amendments to Lords' Amendments, <i>considered</i> :—	
First Amendment <i>disagreed to</i> .	
Subsequent Amendments <i>agreed to</i> .	
Committee <i>appointed</i> ,	
"To draw up Reasons to be assigned to the Lords for disagreeing to the Amendment to which this House hath disagreed:"—Mr. Milner Gibson, Mr. Hutt, Mr. Bruce, Sir William Dunbar, and Mr. Brand:—To withdraw immediately; Three to be the quorum.	
<b>Benchers' Jurisdiction and Authority Bill [Bill 10]</b>	
Order for Second Reading ..	1487
House counted, and 40 Members not being present,	
House adjourned at Six o'clock.	

## LORDS, TUESDAY, JULY 28.

<b>MINUTES.]—PUBLIC BILLS—<i>Royal Assent</i>—</b>	Jurisdiction of Justices [26 & 27 <i>Vict.</i> , c. 77];
Consolidated Fund (Appropriation) [26 & 27 <i>Vict.</i> , c. 99];	Oaths Relief in Criminal Proceedings (Scotland) [26 & 27 <i>Vict.</i> , c. 85];
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Statute Law Revision [26 & 27 Vict., c. 125];	Drainage and Improvement of Lands (Ireland) [26 & 27 Vict., c. 88];
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Promissory Notes and Bills of Exchange [26 & 27 Vict., c. 108];	Charitable Uses [26 & 27 Vict., c. 106];
Poisoned Grain, &c. Prohibition [26 & 27 Vict., c. 113];	Companies Clauses [26 & 27 Vict., c. 118];
Removal of Prisoners (Scotland) [26 & 27 Vict., c. 109];	Railways Clauses [26 & 27 Vict., c. 92];
Expiring Laws Continuance [26 & 27 Vict., c. 95];	Harwich Harbour [26 & 27 Vict., c. 71];
Rum Duty [26 & 27 Vict., c. 102];	Howth Harbour [26 & 27 Vict., c. 72];
Petty Sessions (Ireland) [26 & 27 Vict., c. 96];	Thames Embankment (South Side) [26 & 27 Vict., c. 75];
	Metropolis Turnpike Roads Acts Amendment [26 & 27 Vict., c. 78];
	Port Erin Harbour (Isle of Man) [26 & 27 Vict., c. 86];
	Pier and Harbour Orders Confirmation [26 & 27 Vict., c. 104].

## PROROGATION OF THE PARLIAMENT—*Speech of the Lords Commissioners—*

The PARLIAMENT was this day prorogued by Commission.

The LORDS COMMISSIONERS—namely, The LORD CHANCELLOR (Lord Westbury); The LORD STEWARD OF THE HOUSEHOLD (The Earl of St. Germans); The DUKE OF NEWCASTLE (One of the Principal Secretaries of State); The LORD STANLEY OF ALDERLEY (The Postmaster General); and The LORD WENSLEYDALE — being in their robes, and seated on a Form placed between the Throne and the Woolsack; and the COMMONS being come with their Speaker, the ROYAL ASSENT was given to several Bills.

Then THE LORD CHANCELLOR delivered the SPEECH of the LORDS COMMISSIONERS, as follows:—

*"My Lords and Gentlemen,*

"We are commanded by Her Majesty to release you from further Attendance in Parliament, and at the same Time to convey to you Her Majesty's Acknowledgments for the Zeal and Assiduity with which you have applied yourselves to the Performance of your Duties during the Session now brought to a Close.

"Her Majesty has seen with deep Regret the present Condition of Poland. Her Majesty has been engaged, in concert with the Emperor of the French and the Emperor of Austria, in Negotiations, the Object of which has been to obtain the Fulfilment of the Stipulations of the Treaty of Vienna of 1815, on behalf of the Poles. Her Majesty trusts that those Stipulations will be carried into execution, and that thus a Conflict distressing to Humanity and dangerous to the Tranquillity of Europe may be brought to a Close.

"The Civil War between the Northern and Southern States of the North American Union still, unfortunately, continues, and is necessarily attended with much Evil, not only to the contending Parties, but also to Nations which have taken no Part in the Contest. Her Majesty, however, has seen no Reason to depart from that strict Neutrality which Her Majesty has observed from the Beginning of the Contest.

"The Greek Nation having chosen Prince William of Denmark for their King, Her Majesty is taking Steps with a view to the Union of the Ionian Islands with the Kingdom of Greece. For this Purpose Her Majesty is in communication with the Powers who were

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### PROROGATION OF PARLIAMENT—*SPEECH of the LORDS COMMISSIONERS—continued.*

Parties to the Treaty of 1815, by which those Islands were placed under the Protection of the British Crown; and the Wishes of the Ionians on the Subject of such Union will be duly ascertained.

"SEVERAL barbarous Outrages committed in Japan upon British Subjects have rendered it necessary for Her Majesty to demand Reparation; and Her Majesty hopes that Her Demands will be conceded by the Japanese Government without its being necessary to resort to coercive Measures to enforce them.

"THE Emperor of Brasil has thought fit to break off his Diplomatic Relations with Her Majesty in consequence of Her Majesty not having complied with Demands which She did not deem it possible to accede to. Her Majesty has no Wish that this Estrangement should continue, and would be glad to see Her Relations with Brasil re-established.

*"Gentlemen of the House of Commons,*

"HER Majesty commands us to convey to you Her warm Acknowledgments for the liberal Supplies which you have granted for the Service of the present Year, and towards the permanent Defence of Her Majesty's Dockyards and Arsenals; and Her Majesty commands us to thank you for the Provision you have made for the Establishment of His Royal Highness The Prince of Wales.

*"My Lords and Gentlemen,*

"THE Distress which the Civil War in North America has inflicted upon a Portion of Her Majesty's Subjects in the Manufacturing Districts, and towards the Relief of which such generous and munificent Contributions have been made, has in some Degree diminished, and Her Majesty has given Her cordial Assent to Measures calculated to have a beneficial influence upon that unfortunate State of Things.

"STORMS of a Renewal of Disturbances have manifested themselves in Her Majesty's Colony of New Zealand, but Her Majesty trusts that by wise and conciliatory Measures, supported by adequate Means of Repression, Order and Tranquillity will be maintained in that valuable and improving Colony.

"HER Majesty has given Her Assent to a Measure for augmenting the Income of a considerable Number of small Benefices, and She trusts that this Measure will be conducive to the Interests of the Established Church.

"HER Majesty has given Her Assent to an Act for the Revision of a large Portion of the Statute Book, by the Removal of many Acts, which, although they had become obsolete or unnecessary, obstructed the Condensation of the Statute Law,

"HER Majesty has felt much Pleasure in giving Her Assent to an Act for placing upon a well-defined Footing that Volunteer Force which has added a most important Element to the defensive Means of the Country.

"HER Majesty has gladly given Her Assent to an Act for carrying into effect the Additional Treaty concluded by Her Majesty with The President of the United States for the more effectual Suppression of the Slave Trade; and Her Majesty trusts that the honourable Co-operation of the Government of the United States will materially assist Her Majesty in those Endeavours which Great Britain has long been engaged in making to put an end to the Perpetration of that most disgraceful Crime. Her Majesty has assented with Satisfaction to many other Measures of public Usefulness, the Result of your Labours during the present Session.

"It has been gratifying to Her Majesty to observe that, notwithstanding many adverse Circumstances, the general Prosperity of Her Empire continues unimpaired. Though great local Distresses has been suffered in Great Britain from the Effects of the Civil War in America, and in Ireland from the Results of Three unfavourable Seasons, the financial Resources of the United Kingdom have been fully maintained, and its general Commerce with the World at large has not been materially impaired.

"It has been a Source of great Satisfaction to Her Majesty to find that Her East Indian Possessions, rapidly recovering from the Disasters which lately overspread them, are entering upon a Course of Improvement, social, financial, and commercial, which holds out good Promise for the growing Prosperity of those extensive Regions.

"On returning to your several Counties you will still have important Duties to perform; and Her Majesty fervently prays that the Blessing of Almighty God may attend your Efforts to promote the Welfare and Happiness of Her Subjects, the Object of Her constant and earnest Solitude."



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## PROROGATION OF THE PARLIAMENT—*continued.*

Then a Commission for proroguing the Parliament was read.

After which

THE LORD CHANCELLOR said;

*My Lords and Gentlemen,*

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to *Wednesday the Fourteenth Day of October* next, to be then here holden; and this Parliament is accordingly prorogued to *Wednesday the Fourteenth Day of October* next.

## COMMONS, TUESDAY, JULY 28.

MINUTES.]—NEW WRIT ISSUED—*For Pontefract, v. Richard Monckton Milnes, esquire, Steward of Northstead.*

STATUTES AND PAINTINGS IN THE METROPOLIS — Question, Mr. W. Ewart;	
Answer, Mr. Cowper .. .. .	1495
MUNICIPAL PRECEDENCE—Question, Mr. Brown-Westhead; Answer, Sir George Grey .. .. .	1496
CASE OF CAPTAIN MELVILLE WHITE—Question, Sir George Bowyer; Answer, Mr. Layard .. .. .	1496
GREECE AND THE IONIAN ISLANDS—Questions, Mr. Darby Griffith; Answer, Viscount Palmerston .. .. .	1497
COMPULSORY LABOUR IN EGYPT — Question, Mr. Darby Griffith; Answer, Viscount Palmerston .. .. .	1498
AFFAIRS OF POLAND—Question, Mr. Hennessy; Answer, Viscount Palmerston	1498
ADMINISTRATION OF JUSTICE (IRELAND)—ATTEMPTED ASSASSINATION OF MR. GORE JONES—Questions, Mr. Blake; Answer, Mr. O'Hagan .. .. .	1499

## PROROGATION OF THE PARLIAMENT—

Message to attend the LORDS COMMISSIONERS.

The House went, and the ROYAL ASSENT was given to several Bills: And afterwards a SPEECH of the LORDS COMMISSIONERS was delivered to both Houses of Parliament by the LORD CHANCELLOR.

Then a Commission for Proroguing the Parliament was read.

After which

THE LORD CHANCELLOR said,

*My Lords and Gentlemen,*

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to *Wednesday the Fourteenth Day of October* next, to be then here holden; and this Parliament is accordingly prorogued to *Wednesday the Fourteenth day of October* next.

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PROTEST AGAINST THE THIRD READING OF THE "ILLEGITIMATE CHILDREN (IRELAND) BILL," April 20, 1863.—(See Vol. 170, p. 379.) ..	1499
TABLE OF ALL THE STATUTES .. .. .	1501

# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

FIFTH SESSION OF THE EIGHTEENTH PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 31 MAY 1859, AND FROM THENCE CON-  
TINUED TILL 5 FEBRUARY 1863, IN THE TWENTY-SIXTH YEAR  
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH AND LAST VOLUME OF THE SESSION.

## HOUSE OF LORDS,

*Wednesday, July 1, 1863.*

Their Lordships met; and having gone through the Business on the Paper, without Debate,

House adjourned at Four o'clock, till To-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Wednesday, July 1, 1863.*

MINUTES.]—PUBLIC BILLS—*Ordered*—Metropolis Main Drainage (Guarantee of Repayment of Money)\*.

*First Reading*—Union Relief Act Continuance [Bill 199]; Greenwich Hospital (Provision for Widows)\* [Bill 200].

*Second Reading*—Weights and Measures (Metric System)\* [Bill 120]; Nuisances Removal Act (1855) Amendment\* [Bill 179]; Militia Ballots Suspension\*.

*Committee*—Navy Prize Money, &c.\* [Bill 147]; Stipendiary Magistrates\* [Bill 189], *on re-commitment*; Poor Law Board Continuance\* [Bill 163]; Loan Societies\* [Bill 185].

*Report*—Navy Prize Money &c.\*, and *re-committed*; Stipendiary Magistrates\*; Poor Law Board Continuance\*; Loan Societies\*.

*Withdrawn*—Sheep, &c. Contagious Diseases Prevention [Bill 98].

VOL. CLXXII. [THIRD SERIES.]

## LONDON, CHATHAM, AND DOVER RAILWAY (No. 1) BILL (*Lords*).

SIR MORTON PETO, in moving that the Order for the Second Reading of the London, Chatham, and Dover (No. 1) Bill, on Monday next, be read and discharged, in order that the Bill might be read a second time to-morrow, said, he brought forward this Motion in accordance with the Standing Orders of the House, which the hon. Member for Stafford (Mr. Alderman Sidney) had violated on the previous day. He had further been guilty of unjustifiable want of courtesy in omitting to give notice to the parties concerned of the Motion he then made. The Bill in question was for widening the approaches to the Victoria Station—an improvement which was essential to the interests of two railway companies, and to the convenience and safety of the travelling public. It in no degree affected the question of the Ludgate Hill viaduct, which the London, Chatham, and Dover Company would still be at liberty to make if the present Bill were thrown out to-morrow. In the measures which it had employed to delay this Bill the City of London had shown a forgetfulness of the high principles which ought to actuate and govern all proceedings in the House of Commons, and had acted more in the spirit of a central

Court holding its meetings not far from the site of the proposed viaduct.

Order for the Second Reading upon Monday next read.

Motion made, and Question proposed, "That the said Order be discharged."

MR. ALDERMAN SIDNEY said, it was quite true he had on the previous day proposed and carried the adjournment of the second reading to Monday next; but he denied that in doing so he had acted in any way as the representative of the Corporation. He proceeded as an independent Member of Parliament, who could not view with indifference the powers which the London, Chatham, and Dover Company had acquired, to the detriment of the City, and the perpetual discredit of the age in which we live. The architectural advantages of London were not superabundant, and he wished to preserve one of the most important. But the London, Chatham, and Dover Company, having stolen a march upon the Legislature, and acquired powers which would not be granted in the present day, insisted on their right to construct the viaduct. Though the particular Bill before Parliament might not relate to that viaduct, it related to the money without which it could not be constructed, and he thought it quite legitimate to prevent the Company from raising the £2,000,000 sterling which the Bill authorized them to do. He undertook, however, to withdraw his opposition if the promoters would consent to allow the Corporation to be heard before the Select Committee in relation to the viaduct.

MR. MASSEY said, that during his momentary absence at the time of Private Business on Tuesday the Order for the Second Reading of the Bill had been postponed from the following day, which the Standing Order required, to Monday next. That was a very unusual course. It was not the practice of the House to adopt a Motion of that kind without previously communicating with the promoters, the convenience and satisfactory progress of Private Business requiring those matters to be arranged out of doors. The House now felt itself in this difficulty—that although no reason whatever had been assigned for the lengthened postponement of the second reading, it would be inconsistent with the practice of the House, unless in cases of overwhelming necessity, involving the fate of the Bill, to take the exceptional course of rescinding the Order. He therefore could not advise the House

*Sir Morton Peto*

to accede to the Motion of the hon. Baronet; but he felt that, under the circumstances, facilities ought to be afforded for the further progress of the Bill. He should accordingly move on Monday next the suspension of Standing Orders, with a view of obviating delay in the future stages of the Bill.

MR. CRAWFORD said, it was not his intention to oppose the further progress of the Bill. He thought it was opposed to all Parliamentary practice to impede a railway Bill in this manner in order to defeat what had been sanctioned three years ago.

COLONEL WILSON PATTEN urged the House to accede to the suggestion of the Chairman of Committees. The Committee of Selection met on Tuesday for the purpose of arranging what they hoped would be the last Committees of the Session, and were much inconvenienced by the irregularity that had taken place in connection with this Bill.

SIR JOHN SHELLEY said, it was too bad for the Corporation to complain of the Ludgate Hill viaduct, to which they themselves were assenting parties. There ought to have been some one present to prevent the hon. Member from infringing the Standing Order.

MR. CONINGHAM said, he was present at the time, but was under the impression that the hon. Member for Stafford was acting in pursuance of some private arrangement.

SIR MORTON PETO expressed his readiness to adopt the suggestion of his hon. Friend (Mr. Massey), and to let the Bill stand over till Monday, on the understanding that the Standing Orders should be suspended.

Motion, by leave, *withdrawn*.

#### AFFAIRS OF POLAND.

#### THE ADJOURNED DEBATE—QUESTION.

MR. WARNER wished to ask the right hon. Gentleman the Secretary for the Home Department, Whether the Government intend to propose the suspension of the Standing Orders to-morrow in favour of the Motion of the hon. Member for the King's County (Mr. Hennessy) on the subject of Poland; and, if so, whether they will afford equal facilities to the House for dealing with the debate on the recognition of the Confederate States, which now stands adjourned to Thursday?

SIR GEORGE GREY: It is not intended to move the postponement of the Standing Orders to-morrow. These will

therefore be taken in the ordinary course. I understood the hon. Member to fix the discussion for to-morrow with the object of then naming some other day. No appeal has been made to the Government for assistance in bringing on the other subject alluded to by the hon. Member.

WEIGHTS AND MEASURES (METRIC SYSTEM) BILL—[BILL 120.]

SECOND READING.

Order for Second Reading read.

MR. W. EWART, in moving the second reading of this Bill, said: "A Committee (of which he had the honour to be Chairman) had been directed last Session to 'inquire into the practicability of adopting a simple and uniform system of Weights and Measures.'" Two main considerations guided their inquiries—the benefit of our home trade, and the benefit of our trade with foreign countries. The occasion of the International Exhibition was thought a favourable opportunity for ascertaining the improvements which had been effected, and the opinions which prevailed, among continental nations. About twelve eminent foreign witnesses were examined, at the head of whom might be named M. Michel Chevalier. They were unanimously favourable to the metric system. The Committee also, whatever might have been their first impressions, unanimously recommended the gradual adoption of that system. What did they find to have been the history of our own system? Before the time of Magna Charta, in the reign of Richard I. (and even in the Saxon times) it was declared that "there should be one weight and measure throughout the land." From those days down to the last modern act, uniformity was the aim, or the dream, of our legislation. Yet what did we find as the result? We had at present no less than ten different systems of weights. For our ordinary measure we had the inch, foot, and yard. For cloth measure we used yards, nails, and ells. We had about seven sorts of acres. We had an Irish mile, a Scotch mile, and an English mile. There were twenty different bushels, ten different stones, three sorts of hundredweights, several kinds of tons, and many sorts of gallons. He believed we might lose ourselves in these mazes of numerical confusion. It might literally be said of our system, as was said by Horace of a more poetical one, *numerieque fertur Lege solutis*. Every one, he thought, would agree, that cor-

tainity was the soul of commerce, yet our transactions between man and man were full of uncertainty. Meanwhile, the number and extent of those transactions were constantly increasing. They became more and more accelerated and multiplied as the post, as railways, as the electric telegraph gave wings to the internal commerce of the country. Therefore, as exchanges between man and man increased, the impediments to those exchanges were felt to be more and more oppressive. On this point the right hon. the Member for Oxfordshire gave them the benefit of his evidence. He observed (and his observations were sound and intelligent) that "the great facility of intercourse now taking place has made the necessity or the wish for uniformity in weights and measures stronger than it was ten years ago." "I think," he added, "[there is a greater tendency in the public mind to consider the question now. The railways have brought people from east, west, north, and south, to every market. It is a great inconvenience to those travelling dealers to go down to markets of which they do not understand the custom. They may have bought and sold, and they really do not know what they have bought and sold." Such were the great and increasing disadvantages of the present system in our home trade. They were also strongly apparent in our foreign commerce and our foreign intercourse. They had made themselves manifest during the Great Exhibition of 1851. In comparing the weights and measures of foreign and British articles, the jurors of the Exhibition could not understand each other. A similar difficulty occurred at the Great Paris Exhibition of 1855. The International jury thus expressed their opinion—

"They" (the jury) "deem it their duty earnestly to recommend to the consideration of their respective Governments and the friends of civilization the adoption of a uniform system of weights and measures computed decimally, both in regard to its multiples and divisors, and also in regard to the elements of all the different units."

In 1860, at the London Statistical Congress, the Prince Consort, a name ever memorable, not only in the history of this nation, but in the history of the world, used the following words:—

"The different weights and measures and currencies, in which different statistics are expressed, cause further difficulties and impediments. Suggestions as to their removal have been made at former meetings, and will, no doubt, be renewed."

Could we doubt that an improvement of the

present system would have found a supporter in that illustrious Prince,

Whose philosophic mind  
Joy'd in the general good of all mankind.

After 1860 repeated discussions on the subject took place in the Society of Arts ; and in 1861 the Associated Chambers of Commerce passed the following Resolution — "It is highly desirable to adopt the metric system, which has been introduced into other European countries with great advantage in saving time in trading and other accounts." Now, what was the metric system ? It was a decimal system based on the metre as the unit of length, from which the units of weight, capacity, and surface were derived, with multiples expressed in Greek, and divisors expressed in Latin terms. In fact, it was a framework of decimal calculation, a machine saving a large amount of labour in the transactions of life. The great men, La Grange, La Place, Condorcet, Monge, and others, who presided at its creation, chose to take the metre from the ten millionth part of a quadrant of the meridian. It was now represented by a fixed standard, kept in the archives at Paris, of which the nations adopting the metre secure an authentic copy. For a long time a mixed system, the old weights and measures and the new system conflicted with each other in France. The great Napoleon, as he rose in power, favoured the usages of antiquity, and discountenanced the metric system. With the Imperial purple he put on the policy of re-action : *Cum pulchris tunicis sumpsit nova consilia et spes*. The result was doubt and disorder in commercial dealings. That doubt and disorder continued under the Bourbons. But under Louis Philippe, the monarch of the middle-classes, a final law was passed, which insured the introduction of the metric system after an interval of three years, dating from 1837, and ending in 1840. France then passed under the dominion of the metre, and a very competent witness had declared that it was "one of the greatest blessings ever bestowed on France." As to other nations, Holland had long ago adopted the metric system, though retaining her national terms. Belgium had also long since adopted it. So had Spain. Portugal and Spain were now undergoing the process of adoption, ten years being the term allowed. All Italy, following in the footsteps of Sardinia, was rapidly passing within the orbit of the metric system. Switzerland had already

done so. In South America it was largely used. Only within the last few weeks its adoption had been approved of in an assembly of the three Scandinavian nations. The following resolution was passed on the 20th of May, at the Scandinavian Meeting for Political Economy, consisting of near 500 Swedish, Norwegian, and Danish members of the three parliaments, and others : —

"It is expedient to adopt the French metric system, with attendant subdivisions and denominations for weights and measures in the three Scandinavian countries, and to adopt the French franc of five grammes, nine-tenths silver and one-tenth copper, as the unit of Scandinavian coinage, with decimal subdivisions."

Since then, the King of Denmark had appointed a commission to study the question, and to draw up a Bill applying the decimal system to the money, weights, and measures of Denmark. Within the last few days our own Post Office, in unison with all those of the Continent, had adopted the metric system for postal objects. So that we were silently lapsing into the general European system. Ought we then to remain behind other nations — we who had been accustomed to lead them, and of whom Milton had declared it to be the privilege "to teach the nations how to live" ? This circumstance was also worthy of consideration — our trade with nations using the metric system was larger than our trade with nations using the English system. To the former our exports in 1861, in round numbers, amounted to £55,000,000 ; our exports to the latter were only £24,000,000. Our exports to countries using the metric system was greatly increasing. In 1853 they were £32,000,000 in value ; in 1861 £55,000,000. It appeared also, that in 1859, 40 per cent of the tonnage of our shipping were employed in trade with countries which use the metric system. According to the Returns just published by the Board of Customs, our exports to France (the primary metric-system country, if he might use such a compound) were, including foreign and colonial goods, in 1860 £12,700,000 ; in 1861, £21,800,000. But let us look forward to the future. Our trade with France and Italy, Spain and the Mediterranean, and Eastern countries, was probably only in its infancy. "The metric system," said a mercantile witness, "will be adopted in a few years throughout Europe." Would it then be possible for England to remain isolated ? Let us now view the question under

another aspect—the saving of labour by means of the metric system in the common operations of commerce. Mr. Lonsont, a Belgian and English merchant, said, in his evidence before the Committee, “By using the metric system I could spare two clerks, and prevent a great deal of error.” He added that the maintenance of our system was as bad as if we retained the old Roman figures. Mr. Dickson, a manufacturer and landed proprietor near Dunkirk, also said that “by using the metric system he could carry on his trade with fewer clerks. He considered the metric system one of the greatest blessings ever conferred on France.” Mr. Fellows, a British manufacturer and merchant, said, “The calculations of a French merchant may be made in one-half the time, or less than half the time we employ.” The Associated Chambers of Commerce stated in 1861, that “the present system is very inconvenient to a great commercial nation,” and that “the uses of the metric system is likely to be a boon to all the community.” But there was another important aspect of the question: he meant its reference to machinery and manufactures. We ought, in consequence of our iron, our coal, and our mechanical powers, to be the greatest machine-makers in the world. Now, Mr. Crossley, an engineer, said in his evidence that “the demand for our machinery would extend much more if an international system of weights and measures were adopted.” Mr. Fairbairn, himself celebrated as a mechanist, was of opinion that “the decimal system will ultimately be introduced into all our mechanical operations. The metric system is, of all he knows, the best.” An important point in machine-making was exactness of admeasurement. Could we, under our own system, make machines of such exact dimensions as were made in Belgium, where they made use of the metric system? The importance of minute exactness was shown in the formation of Armstrong guns, where the nice fitting of the concentric circles of iron was of the utmost consequence. For all such operations the use of the millimetre was said by an eminent civil engineer, Mr. Siemens, to be highly advantageous. But, if it was true that we should be the machinists of the world, our workmen must probably travel abroad for employment. How important it was, if not indispensable,

that they should previously know the foreign weights and measures, and be instructed in the metric system. But another point remained for consideration. He meant the time which might be saved in education by the adoption of the metric system. Some time ago the International Association for Decimal Weights and Measures caused an inquiry, on this branch of the subject, to be extensively circulated among the schoolmasters of the United Kingdom. The answers they received led to this conclusion, that learning arithmetic by the youth in our schools now ordinarily takes two years, but that under the decimal and metric system it would only take ten months; but let us suppose that the time saved was only a year—was that no great gain to the cause of education? Professor De Morgan stated before the Committee that “the time devoted to education in arithmetic might, by the new system, be reduced by one-half, if not by more.” Dr. Farr said, “You would get rid of all compound arithmetic, and make calculations simple and mechanical.” We should thus liberate ourselves from Reduction, Practice, and other elaborate expedients, to the contentment of our children and the emancipation of their intellect. Dr. Ihne, a German teacher of great experience at Liverpool, stated that the new system gave “a great advantage to boys in foreign schools over our own;” and added that “our boys were deterred by the present system from pursuing the higher mathematics.” The Rev. Mr. Barrett, also extensively engaged in teaching, said, that on account of the difference between the two systems, “education in the French military academies is much higher and more forward than in ours.” “Boys,” he added “are deterred and disgusted” by our present complicated system. Might we not, in fact, describe these impediments as so many toll-bars on the highway of education? But it was shown that even at a more advanced age our working men could easily master the metric system. Mr. Dickson, an extensive employer of them abroad, said, that “his overseers came from Scotland, knowing nothing of French weights and measures; but they soon acquired the metric system.” The Committee examined a working man, Mr. Wyse, who had been twenty years in the employment of Mr. Brassey, the great contractor. Mr. Wyse said that “he very soon understood the metric system, and found it easier

to learn than the English scale of yards, feet, and inches." He added, "All the workmen I ever had to do with prefer the French method to the English." In fact, to pursue our system when we could take advantage of a new one, was like avoiding a railway to go by the old turnpike road. In these circumstances, what course should we adopt? There were, to use the oft-quoted phrase of Sir Robert Peel, "three courses open before us." First, should we retain our present system? The answer, he thought, would be a universal "No." Next, should we create, or rather patch up, a tesselated system out of the worn-out materials of the present? That course would involve as much trouble as the adoption of the foreign system, and it would have the immense international disadvantage of not agreeing with the system of other nations, a system, with which, after all, we should eventually be obliged to conform. It would be taking two steps, or rather two journeys, when we need only take one. Lastly, should we gradually adopt the metric system? That system had succeeded wherever it had been tried. All the foreign witnesses, without exception, were in its favour. It was a perfect decimal system, with ascending decimals to multiply, and descending decimals to divide by. It was no longer a theory. It had become a practical system, involving no preliminary scientific measurement. We had only to copy an existing standard, to pursue the path already trodden by other nations. In short, to use a familiar phrase, it was "ready made to our hands." He (Mr. Ewart) would therefore say, "Begin!" Inquire how Portugal was successfully proceeding; what preliminary steps she took. Inquire of other nations. In the mean time (as the Committee advise) give instruction in the metric system in your schools, use it in the Customs Department, and, where available, in the other Departments of the Government. Prepare for the coming change. Defer it, if needful; but prepare. The Bill before the House, for the construction of which they were indebted to the skill and ability of Professor Levi, gave three years' time for preparation. If, at the end of that time, we were not ready, we had only to give three years more, or as much time as might be needed. Next, he came to the objections. It was objected that the Bill should have been only a permissive Bill. He had indeed had a permissive Bill framed, and he was still quite willing to assent to a permissive Bill. That was the suggestion

*Mr. W. Ewart*

of the Committee. But practical men objected to a permissive Bill. They said, "Give us something positive and final; we are tired of alternatives." It was true that in France they went on hovering between two systems for forty years, but those were forty years of confusion, and they were obliged to fix a term at last. But, as he had said before, we were not bound to three years. A Continuation Bill was an easy and a common remedy; or, if the House willed it, they could try a permissive system. There was another objection, of which he fully felt the force. It was, the trouble which any change of system would cause to the retail trader. To his case every consideration should be given, and every indulgence shown. He thought that some allowance might be made for the cost which the change in weights and measures would inflict upon the retail dealers. But they also would eventually profit by extended trade and facility of calculation. It was shown, in the evidence of M. Visschers, of Brussels, that the "tradesmen of Belgium were much benefited" by the introduction of the metric system; and Mr. Dickson stated that its advantages in saving time and trouble, were felt by the "small traders" in France. Another objection raised by the opponents of the metric system was, that it did not admit of the same binary subdivisions as the duodecimal system. That was true. But we gave a power of using the binary system to a sufficient extent in our Bill; and our mode of arithmetical notation being (like that of other nations) decimal, what other system could we adopt but the decimal? Repugnance might be felt to the use of the Greek and Latin terms in the metric table. But in their Bill they retained the English units, and it would be easy to substitute English words for the classic terms in the metric scale. The Greek and Latin names were indeed too long. They pre-supposed some knowledge of the classic languages, and all experience was in favour of monosyllables, which the people seemed to have chosen as the most rapid vehicles for bargain and sale. The pound, the ounce, the yard, the foot, and many moresuch terms, proved this tendency. Nevertheless it was easy, even for a child, to learn the French metric table, with all its Greek and Latin numerals. Could every, or any, Member present correctly repeat the English table of weights and measures? Yet all of them, he thought, could learn the French metric table in a quarter of an hour. In fact, they had only

to learn seven prefixes and four principal units. On the whole, he was justified in concluding that the disadvantages ascribed to the metric system were slight and transitory; the advantages substantial and lasting. But, it might be said, the adoption of the metric system of weights and measures would be incomplete without a decimal system of coinage. That he granted; but when a decimal system of coinage was under consideration, a great authority, Lord Overstone said that "it would be a mistake to decide in favour of a decimal coinage without determining the best course as to other parts of the metric system. If the number ten should be selected as the base of the general metric system, the question of the coinage would be greatly simplified." And, in other parts of his Report, Lord Overstone seemed to think that the consideration of a decimal system of weights and measures ought to precede the consideration of a decimal coinage. In his (Mr. Ewart's) opinion they ought to be as nearly as possible simultaneous; but the introduction of the metric system of weights and measures would, in itself, be a great acquisition. Reverting to the former part of his speech, he thought he had established the following propositions:—That the present state of our weights and measures was intolerable; that it was growing worse as our internal trade increased; that it impeded our trade with foreign nations, and would impede it more as that trade increased; that other countries had adopted, and were rapidly adopting, the metric system; that it was acknowledged to be a great boon by all the countries in which it had been established; that our trade with the nations using it was rapidly extending; that it would save time in commercial operations; that it would confer great advantages on our machine-makers and manufacturers; that it would save a large amount of time in education; lastly, that if we failed to adopt it, we should be behind almost all the nations of Europe. At all events (said the hon. Gentleman) let us not remain in the "slough of despond," or the "Serbonian bog" in which we are now engulfed. We had achieved the great victory of free trade; let us adopt the machinery by which free trade might be set in motion among the nations of the earth. Let us remember that different provinces of the same country were once distracted and divided by discordant systems of weights and measures, as different nations were now. Why should not one uniform system bind countries, as

it had bound provinces, together. We had, by solemn treaty, interwoven our interests with those of France and of other nations. Let us, by adopting a common system of weights and measures, give to our commercial intercourse a common language. Let us, in the words of one of our greatest moral and religious poets, not only—

"Give to the North the products of the sun,"

but also—

"Knit the united nations into one."

So shall we best pursue and accomplish the great mission prescribed to all nations, but pre-eminently to our own—to promote the peace, by extending the commerce, of the world.

Mr. HENLEY said, he had certainly expressed an opinion that the metrical system was a good one, but that had nothing to do with the question whether it was desirable to agree to the Bill which made so great a change as that now proposed. No one was more sensible of the inconvenience and uncertainty of the present system of weights and measures than himself. The Imperial bushel was as definite a measure as could be set up, and twenty or thirty years ago the Legislature attempted to make that the uniform bushel. The Imperial bushel was declared to consist of a certain number of cubic inches. All bargains made in any other bushels were declared void, and penalties were enforced against those who used any other. What had been the result? The bushel still meant one thing in one town and another elsewhere; nay, people who went to the same market could not always agree as to what kind of bushel was meant. He did not believe that a more stringent law could be passed to enforce the use of the new metrical system, and what greater security could the hon. Gentleman have that his new weights and measures would be adopted? He agreed with the hon. Gentleman that it would not be desirable to adopt such words as myriametres, decametres, and centimetres. He did not think they would ever go down with an English mouth. But how would the hon. Gentleman prevent people from continuing to use the present weights and measures? He did not believe that Parliament could prevent it. A great deal had been said of the inconvenience of the present want of uniformity in foreign trade. No doubt, if it had pleased God that there should never have been a Tower of Babel, it would have



been a great convenience to merchants and those who went about visiting different countries. But the hon. Gentleman could not bring about the uniformity he desired by Act of Parliament. What the hon. Gentleman had said about France was not very encouraging. The new system was no doubt introduced in France by very scientific men, but it was carried after the French Revolution, when everything that had formerly been accepted was torn up and displaced, and when the mind of the nation was engaged in setting up something that had not existed before. The hon. Gentleman had not told the House how many years had gone over before the new system became settled in France; but, if he remembered aright, it was a great way down into the present century. The hon. Gentleman told the House something about the spread of the French system over other countries, but he did not tell them that that was materially facilitated by the French occupation of those countries up to 1814; that all those countries had had a most debased coinage, and that it was a great benefit to them to have the French 20*f.* piece in their dealings with other countries. It was not pretended that the trade of this country with countries which had the metrical system was to be compared for a moment with our trade with countries which had it not, and therefore the adoption of the system would introduce great confusion in our transactions with the latter. This Bill did not take, as one would have expected, the French metre as the unit of measure. The French, he believed, took the ten-millionth part of the distance between the equator and the pole, but the Bill proposed to take a certain multiple and decimal part of an inch. But then it would be necessary to lay down what an inch was; and if we wanted to know whether that was right, we should have to march over to Paris, to compare our standard with the French, and see if they agreed. There was a great deal of Gallomania going about this country and elsewhere just now; but he did not think it very convenient to have to settle our measures by going over to France. He had always believed that the size of the world was a fixed quantity, but learned pundits were of opinion that the world was growing. If that were the case, the quarter of it must be growing too, and then what was to become of the metre? While the earth was growing, perhaps the scientific men in France might find some little variation in

Mr. Henley

their metre. It would not be very easy to establish that Chinese exactness in all things which was expected. But coming to the practical part of the business, the tithe was levied on land measured by the acre, and was it a light thing to unsettle the tithe commutation? Was it a light thing to compel people, from the great millionaires down to the poor shopkeeper who had not a five-pound note in the world, to get a new set of weights and measures? The benefit to be obtained ought to be very great and certain before putting people to that inconvenience. Then the foreign names would be very inconvenient, and would never suit the mouths of Englishmen. It was proposed to remedy that by the introduction of a sort of Græco-Latin names, such as *decil* or *deil*; but if he knew anything of his countrymen, they would soon get to corrupt such a word into "devil." It would be a very good thing, no doubt, to have uniformity in language and other things all over the world; but we had not arrived at that yet, and the question was whether the evil and inconvenience of the proposed change to the greater number of the people would not more than counterbalance the advantages. He believed it would; that the uncertainty under the new system would be quite as great as existed at present, and he was therefore disposed to vote against the Bill.

Mr. LOCKE said,\* he had paid some attention to this subject, and he concurred in several of the remarks that had fallen from the right hon. Gentleman (Mr. Henley). No doubt great inconvenience would arise in the ordinary transactions of life if this system were introduced, but he did not think that such inconvenience existed in our mercantile transactions with foreign nations. His hon. Friend who had introduced this Bill was no doubt familiar with that popular work Murray's Handbook of France, and would remember that in the first pages of that book there were tables giving the comparative value of the coins of the two countries, and also the comparative proportions of their weights and measures. But there was no doubt our system of weights and measures was a most inconvenient one. It was perfectly immaterial what we took for our unit, the difficulty arose from the complicated way in which the unit was dealt with. The troy weight, for instance, was very different from the avoirdupois. In the one case twelve ounces, in the other case sixteen ounces made a pound; and then we had grains, and

pennyweights, and drams; and to learn the distinction between these different weights was to the youthful part of the population one of the most painful processes which they had to undergo. But if the unit were treated in a different way, and were not twisted about, there would be none of the inconvenience which was now so much complained of. As an instance of the treatment of the unit, let the House take what was called the imperial measure of length: twelve inches make one foot, three feet one yard, and then five and a half yards one rod, pole, or perch. The right hon. Gentleman seemed to think there would be some difficulty in finding the French standard and comparing it with the metre proposed by the Bill; but that was not the case. If the right hon. Gentleman, the next time he was in Paris, would go to the Place Vendôme, he would find the metre there already made to his hand, painted in a most conspicuous place on the front of one of the Government offices. The right hon. Gentleman was mistaken when he supposed that a metre different from the French was proposed to be adopted by this Bill. The inch and parts of an inch in the Bill made up the exact measure of the French metre. But while he gave great credit to his hon. Friend who had introduced the Bill, he thought that an effort should have been made to perfect the present law, with a view to uniformity. By the 5 & 6 Will. IV., c. 63, s. 6, all local and customary measures were abolished, and a penalty imposed on persons selling by any denomination of measure other than by one of the imperial measures. If the section had stopped there, the law would have been perfect, and uniformity in the use of measures clearly established; but at the instance of interested parties the House was induced to introduce a proviso, which had entirely defeated the object of that section of the Act. The proviso was as follows:—

“That nothing herein contained shall prevent the sale of any article in any vessel, where such vessel is not represented as containing any amount of imperial measure, or of any fixed local or customary measure heretofore in use.”

So that articles were now sold in all kinds and descriptions of vessels, whose capacity was undefined. In the year 1858, he (Mr. Locke) had introduced a Bill to amend the 5 & 6 Will. IV., c. 63, which Bill contained a clause for the regulation of the sale of fruit and vegetables, requiring that all vessels other than the imperial measures

used for that purpose should have marked upon them the amount of imperial measure which they contained. This clause had been strenuously opposed by market gardeners and others, and he (Mr. Locke) had met a deputation from these parties at the Board of Trade, before the right hon. Gentleman the Member for Oxfordshire, who took the side of the market gardeners. However, the Bill had been defeated only by a majority of eight. He (Mr. Locke) had brought it in again the next year, and passed it, but with this clause admitted. Thus, by this proviso in the section regulating measures, the intention of the Act had been entirely evaded; but how did the law stand with regard to weights? The 11th section commenced by defining what a stone should be—it was to consist of 14 lb.—and at the end of the section a proviso was introduced, which stated that that was not to interfere with selling by the pound, or any multiple or aliquot part of the pound. A case came before Baron Martin at the Middlesex sittings, in Michaelmas term 1853, which was afterwards argued in the Court of Exchequer, June 15th, 1854, and again in the Exchequer Chamber, June 30th, 1855 (*Jones and Another v. Giles and Another*, 10 *Exchequer Reports*, page 119, and 11 *Exchequer Reports*, page 393), in which a bargain had been made by what was called “the long ton,” consisting of 2,400 lb.; but as that was not one of the legal weights named in the Act, one of the parties refused to complete the bargain. It was, however, decided that “the long ton,” after all, was a multiple of a pound; and that, if the Legislature had intended to exclude “the long ton,” they should have introduced such words as “multiple of a pound numerically expressed.” Now, if the words “numerically expressed” were introduced into the 5 & 6 Will. IV., a perfect certainty would be obtained. If the names given to weights and measures used in different places meant the same thing, there would be no difficulty, but they meant a different thing in every different place. The consequence was that, with respect to measures, the introduction of the proviso in the 6th section, and the absence of the words “numerically expressed” in the 11th, opened the door to all the inconvenience. There would no doubt be great difficulty in carrying such a system as was now proposed into effect. He would, however, support the second reading, hoping that at a subsequent stage some useful suggestions

might be made. It was proved before the Committee which sat in 1834, on the sale of corn, and over which the right hon. Gentleman the present Speaker presided, that even in France people could not be induced to adopt the metrical system. [Mr. BAINES: It was not compulsory before 1837.] Well, there was one thing they all had to do with when they went over to France, though he did not know that his hon. Friend (Mr. Baines) had, and that was the wine bottle. But every hon. Gentleman knew that the French bottle, and more especially the German bottle, varied very much—it was growing “small by degrees and beautifully less;” and he was satisfied that the ingenuity of that great nation would make it smaller and smaller, till it reached the vanishing point at last. He was informed that in the country districts of France the people still used the weights and measures which their ancestors did, and such as Napoleon I., were he resuscitated, would have approved. In answer to a question it was stated some few nights back that the standards of weights and measures had not been re-verified for the last thirty or forty years; and previously to his introducing a Bill in 1859, and which passed, being the 22 & 23 *Vict.*, c. 56, he was informed that the models or copies of the imperial standards deposited in the several districts for the inspection of weights and measures in course of time became incorrect, and therefore in that Bill a clause was contained making it necessary that these models should at stated periods be re-verified; but if the models were to be compared with the standards in the metropolis, it was necessary that the latter should be ascertained to be correct. He was told, however, that such was not the case, and that these standards were bricked up in one of the walls of this House, and never used for the purpose for which they were intended. This was certainly a very curious state of things; and should the New Zealander, who was pictured viewing at some future time the ruins of this city, discover them, he would no doubt exclaim, “That was a most wonderful and extraordinary people!” On one occasion he moved for a Return of the number of convictions which had taken place throughout the country for selling by false weights and measures; and he was told that the Return would be most voluminous. He consequently limited the Return to the metropolis, and it was voluminous then. The great majority of the offences which had been committed were of the most trifling de-

*Mr. Locke*

scription, but he was informed that the magistrates considered that they were obliged to impose a fine, when it was shown that weights and measures were not accurate, and that they had no right to inquire whether the use of these inaccurate weights and measures was wilful or not. This was a very great hardship on tradesmen, and he wished that that House would attempt to perfect the English system before adopting a French one. He did not think that there was any difficulty at present about the imperial bushel. They all knew what its contents were; but the difficulty was in preventing persons from using a local or customary bushel, or something they choose to call a bushel. He wished his hon. Friend, the proposer of the present measure, success in his attempt; and though he did not mean to say that he would support all its clauses, yet he regarded the Bill as a step in the right direction and capable of affording the opportunity of remedying the inconveniences of the present system.

MR. POLLARD-URQUHART\* observed, that the hon. Member for Oxfordshire had dwelt at considerable length on the inconveniences attendant upon the change now proposed, but it was satisfactorily established before the Select Committee, that to secure uniformity throughout the whole of the United Kingdom, some change was necessary. If that were so, why should not the best standard be adopted—a standard which would facilitate throughout the whole of Europe the commercial operations of this country. The want of a decimal system was equivalent to a tax on mercantile transactions; and one of the witnesses before the Committee stated that it was equal to a tax of £10,000 a year on the profits of the London and North Western Railway. In these days of free trade, was it right that this heavy tax should be continued on book-keeping and exchanges? It had been remarked by Sir Rowland Hill, that for want of a system such as the hon. Member for Dumfries advocated, great difficulty was experienced in arranging postal treaties and fixing international rates of postage. This difficulty was felt more and more every day, and he sincerely hoped that the Government, who came into office very much on the free trade principle, would give their support to the Bill of the hon. Member for Dumfries.

MR. ADDERLEY\* said, that no one had denied that some simplification of the

present English system was desirable. One could not hear of twenty various bushels, and fractional computations of relative values, without recognising the disadvantage under which English commerce labours. In reply to the hon. Gentleman who spoke last but one, and who objected to going to France for a pattern before the system in England should be improved, he remarked that the best way to improve the system in England was to adopt the system in France, because it was a good system, and because, a world-wide commerce being the subject, it was a principal requisite to adopt a system which was already understood in a great number of countries. It was better, he thought, when an object was confessed to be most desirable, to manifest wisdom in endeavouring to attain it, than to exercise wit in showing up the difficulties connected with it. He conceived that the difficulties suggested by the right hon. Member for Oxfordshire were most far-fetched and absurd. The right hon. Gentleman spoke of the French metre, and of some fantastical notion of the growth of the earth, which might throw out calculations based on a fraction of its meridian; but the right hon. Gentleman must be aware that the basis of the English measure of length was the "seconds pendulum," and that that depended on gravitation, which would equally vary with his fantastical supposition. The introduction of a more simple system of weights and measures would be an enormous addition to the wealth of this country, as railways, by economy of time and facilitation of commerce, had been practically increments of national capital. The right hon. Gentleman seemed to think that during the French Revolution everything new was set up, and everything old was cast down, and he supposes everything new must be bad, and everything old good. This metrical system certainly was one of the wonderful products of the seething brain of revolutionary Europe; yet it must be admitted that hardly anything could be more beneficial than the simple process of calculation which was now under the consideration of the House; and it was a rational proposition, wherever it came from, that this country should take the unit which so many countries of the world had already satisfactorily adopted. The metrical unit of measure at once applied to calculations of length, area, capacity, and weight; and, with singular luck, it was within a tenth identical with our existing yard, so that our adoption of the metre would little vary

our old calculations. There was, of course, a difficulty connected with the introduction into this country of a new system and a new nomenclature, for their adoption must inevitably be repugnant to English conservatism, and could not be so easily enforced in this country as in nations where the Government was autocratic. The difficulties of a new nomenclature had been exaggerated and caricatured; but even Englishmen might as soon learn to drink a tentol as to invest in Consols; the etymology was not more fanciful in one than in the other. He did not think that the hon. Gentleman would pass his Bill as a compulsory measure. But there were other modes of facilitating the introduction of the system the hon. Gentleman advocated. The system, in fact, was rapidly introducing itself by its own beauty, and by the necessity of the case. In all the large transactions of the country, and in various departments, such as the Mint, the Bank of England, and the Post Office—in short, wherever operations were on a very extended scale, or in concert with foreigners, it proved, not a matter of choice, but of necessity. In respect to science, it was impossible to have any other system, for the calculations were constantly growing much larger than they used to be, and the old system was not found sufficient for modern science. Students in mathematics were kept back in their pursuit, if they attempted to make use of the old system, by which the higher branches of mathematics could not be reached, and the adoption of a new system was also, in reference to international commerce, imperative. Under these circumstances, he would suggest that all means should be made use of for facilitating the self-introduction of the new system. The children of the labouring classes were now in schools aided by the State, and the Department of Education had more or less the power of teaching that system to the next generation of the working men of this country, employed as they would be all over the world. Diagrams illustrating its simplicity might be distributed throughout the kingdom. We were spending a million yearly now in conquering "the three R's" at elementary schools. This system would reduce one of them to easy conquest. Compound arithmetic would cease. Another mode by which the introduction of the new system might be facilitated would be by the Government going on a little faster in making their Departments adopt it. Every Department into which the system might be introduced

would be found able to reduce the number of clerks, and consequently this became also a money question. It had been alleged that the present law on weights and measures was rendered nugatory by the permissive clause which relieved from penalty those who used measures, though not imperial, provided they did not profess to be so. But that proviso seemed to him to suggest exactly the right way to proceed with any legislation in England on the subject. They might now legalize the metrical weights and measures, or even substitute them as imperial for those now so designated, leaving it a matter of permission to use others, but not as imperial or standard. An amending Bill of the existing statutes, to this effect, would, in his mind, be the most practical measure to attempt. He thought it was not necessary that the Bill should be compulsory in its enactments, and he therefore suggested that it should be converted into a permissive measure. The decimal coinage must no doubt follow the adoption of the decimal system of weights and measures, but it was not necessary to complicate the matter by propounding the two subjects at once.

MR. BAINES\* would not detain the House more than a few moments, because he saw his hon. Friend the Member Rochdale (Mr. Cobden), who, he hoped, would tell the House the results of his great experience of the English and French systems during the negotiations of the late commercial treaty. He would, however, draw the attention of the House briefly to two points: the first was, the great number of eminent authorities who were in favour of the new and improved system. The chambers of commerce throughout the country had almost all petitioned in favour of the measure. The International Statistical Congress, composed of the most able statisticians of all nations, had also passed resolutions to the same effect. The jurors of the great Exhibitions of 1851 and 1862, comprising men eminent in trade, science, and official life, were almost unanimous in recommending the metric system, which was the simplest, easiest, most scientific, and perfect that had ever been devised. It was of the utmost importance that a people so largely engaged in trade as we were should discard the present complicated, vicious, and irregular system for the new and improved one. M. Michel Chevalier had described the ease and celerity with which the metric system had been introduced into France. A law was passed in July 1837,

rendering it compulsory on and after the 1st January 1840, but it was very generally in operation before that time arrived. In 1841, M. Chevalier, in the course of a long journey, on inquiring of the postilions as to distances, found that they almost invariably calculated by kilometres and not by the old measure of postes. The second point to which he would refer was the very great gain there would be to the education of the young from the introduction of the metric system. It had been estimated, on reliable ground, that as much as a year's schooling would be saved to the young by the adoption of the easy and improved method, instead of the present difficult one. As there were 2,000,000 of children in this country in the course of receiving their education, it was easy to conceive the immense saving of time which would thus be secured. If put in an arithmetical form, it would give the startling result of a gain to the nation of two millions of years with every generation of children who passed through their schools. This would not, indeed, be a money saving, but it would not the less be a real saving, inasmuch as it would enable the young to acquire other branches of knowledge and a more perfect education. He thought, therefore, the advantages of the new system would be vast and permanent, and such as immeasurably to outweigh the inconveniences of the change.

SIR MINTO FARQUHAR\* observed, that the Committee comprised representatives from each division of the Empire—England, Scotland, and Ireland—who had come almost unanimously to a conclusion in favour of the metric system. He supposed his hon. Friend would accept the modifications which had been suggested, and would withdraw the compulsory clauses of his Bill. If the system were gradually introduced, it might, in the course of time, be established as a whole. The extraordinary diversity of weights and measures which now prevailed was intolerably perplexing. Professor Leoni Levi, in an able pamphlet on the subject, observed—

"For measures of length we have the ordinary inch, foot, and yard. In cloth measure we have yards, nails, and ells. There are four different sorts of ells. For nautical purposes we have fathoms, knots, leagues, and geographical miles, differing from the common mile. The fathom of a man-of-war is 6 feet; of a merchant vessel, 5½ feet; of a fishing smack, 5 feet. We have also the Scotch and Irish mile, and the Scotch and Irish acre. There are several sorts of acres in the United Kingdom, and there are a great variety of roods. We have in almost every trade mea-

asures of lengths specially used in those trades. For the measurement of horses we have the hand ; shoemakers use sizes ; and we are compelled to adopt gauges where the French use the millimetre. The gauges are entirely arbitrary. The custom of the trade is the only thing which would decide the question in case of dispute. For measures of capacity we have twenty different bushels. We can scarcely tell what the hogshead means. For ale is 54 gallons ; for wine 63. Pipes of wine vary in many ways ; each sort of wine seems to claim the privilege of a different sort of pipe. For measures of weight we have about ten different stones ; a stone of wool in Darlington is 18 lb., a stone of flax at Downpatrick 24 lb., a stone of flax at Belfast 16½ lbs., but it is also at Belfast 24½ lb., having in one place two values. The cwt. may mean 100 lb., 112 lb., or 120 lb. If you buy an ounce or a pound of anything, you must inquire if it belongs to Dutch, troy, or avoirdupois weight."

It was surely high time that these anomalies should be corrected. France, Holland, Belgium, Italy, Spain, Greece, and several other countries, even down to some of those of South America, had adopted the metric system, and others were anxious to introduce it. Why, then, should we not be able to do so ? Some thought that our present system should be amended, and advised that we should be satisfied with the introduction of uniformity in our own weights and measures, whilst others urged that it would be far better that England should establish a system which would not only be uniform within our limits, but in accordance with that of those nations which had accepted the metric system. The last course would certainly be the most desirable one. The whole world traded with us ; and if a uniform system could be established between us and other nations, many existing difficulties would be corrected, and the interest of the trading community both here and abroad materially advanced. His hon. Friend said that the Emperor Napoleon had been a supporter of the metric system until he put on the Imperial purple, when he became a Tory. Now, he (Sir M. Farquhar) did not know what a Napoleonic Tory meant ; but his hon. Friend was mistaken if he thought that the party among whom he had the honour to sit, now often again called the Tory party, was opposed to the introduction of improvements and well-considered reforms. *Stare super antiquas vias* was an expression which he cheerfully accepted in its meaning of opposition to sudden and organic changes ; but where the road was difficult, he, for one, was anxious to have it made easy ; where it was rutty and heavy, to have it made smooth and light. There were, no doubt, difficulties in the way of carrying out the contemplated

change, but they were not insuperable, and should not be permitted to daunt the supporters of the improved system. There was habit, and prejudice too ; and the present system of weights and measures was so impressed upon the minds of those who used them in their different localities, that the change to another and uniform plan must necessarily require time. He trusted his hon. Friend would bring his measure forward again next year amended as suggested, and he had no doubt he would then receive the support of the House and the country. This question had lately been much discussed in the literary and scientific institutions of the country. He had received a communication upon this subject, about a fortnight ago, from the members of the Literary and Scientific Institution in the town of Hertford, of which he had the honour to be one of the representatives, and this morning he had received a "refresher," and although it was not accompanied by the fee which gentlemen learned in the law knew something about, he should be happy to give his willing support to the efforts of his hon. Friend to introduce the metric system of weights and measures into this country.

MR. HUBBARD \* reluctantly fulfilled the ungrateful task of objecting to a measure prepared by men of great intelligence, who were animated by no other wish than that of promoting (as recited in the preamble of the Bill) our foreign and our internal trade ; yet he felt bound to express the conviction which he formed when on the Royal Commission on the decimal question, that while the decimalization of coins was, on the whole, inexpedient, the decimalization of weights and measures was out of the question. The example of other nations had been cited, but it should be remembered that the decimal system was introduced on the Continent at the time of the French Revolution, when men were prepared to accept the most extreme changes, and when it was contemplated to decimalize not only coins and weights and measures, but even the measurement of time. One argument in favour of the new system was its intrinsic perfectibility ; but let it be remembered that in the attempt to decimalize time the reformers failed, for nature itself declared against them. He could not regard the decimal system as a revelation from Heaven, or believe that the present method could have grown up without possessing some convenience or advan-

tage. France had, by the aid of conquest, imposed the decimal system on some of her neighbours, and other adjoining countries had found it convenient to use it too. That was, however, no reason why England should adopt it. It had been said that it would extend by facilitating commerce. As a merchant, he must express his belief that its introduction would not facilitate, in the slightest degree, any foreign trade which he carried on. It would not diminish the price of any commodities that were imported, or affect their quantity. Of course, the calculations of price and quantity would be more simple and more rapid under a decimal metric system, and thus, as far as mere counting-house work was concerned, some economy might be effected. A house carrying on a large business might perhaps save the salary of a clerk. As to the operations in Bills of Exchange, the equivalents were so familiar to merchants that they experienced no difficulty now, and needed no relief. The hon. Member for Leeds had stated the saving of time in the education of the young through the use of the new method in very formidable figures. If it were true that a whole year was thrown away at present, then he would willingly agree to the change; but he could not admit the correctness of that statement. Could it be said that to teach a child to multiply and divide decimally constituted a sufficient arithmetical education? Admitting that the more complex rules now requisite for children to learn occupied an additional portion of their school life, was the time so expended wasted? Was it not rather well bestowed in improving their intelligence? The value of education did not consist in merely enabling a child to buy a pound of butter or an ounce of snuff, but in the development of his mental powers, so as to render him in after-life a wise and useful citizen. Therefore, he did not grudge this additional year spent at school, and could not allow that it was wasted. In considering the convenience of the new system it should not be forgotten that a vast number of small trade transactions were carried on by old women, children, and illiterate men in the markets, streets, and alleys of every large town. How would these people be able to adapt themselves to the change? Their monetary unit was the penny—their unit of weight was the pound—most of their staple articles of consumption were bought by the pound or by its aliquot parts, and paid

*Mr. Hubbard*

for by the penny or its quarter parts. These standards, either of quantity or value, were familiar to their minds, and a change in either would produce a serious and universal annoyance. It was right that their case should be taken into account in dealing with this matter. Fifty years after the decimal system had been introduced into France it was found necessary to enforce it by a compulsory law. Was the House prepared to carry out this measure by imposing penalties on the great body of the people? Such measures might be very well for despots, but they did not suit the genius of the English people. Even at this moment the system was not perfect in France. In parts of France the old weights and measures were still in use. Even in Paris one found that the bougies were practically sold by the old measure, for they were done up in packets of as many grammes as made the livre. It had been said that the advantages of the metric system were permanent and positive, while its disadvantages were only temporary and accidental. He denied its advantages; and when it was said it would entail inconvenience only on the next generation or two, he must observe that that was really no small matter. It had been said that Lord Overstone had expressed the opinion that the decimalization of weights and measures and of the coinage should go together; but he was able to state that his Lordship meant only that a perfect system would involve that duplicate decimalization, and did not in the least intend to give any countenance whatever to a change in either respect. If the House approved the decimalization of weights and measures, the same process would have to be applied to the coinage, and great expense as well as inconvenience would accompany the re-coining of the currency. On the whole, the balance of advantages seemed to him to be on the side of leaving things as they were. Those who would gain anything by the change would be those who could best endure the drawbacks of the existing system. Trade did not want it, science was independent of it, and those who would suffer most disadvantage from it were the people who carried on the petty but by no means unimportant industry of the country.

MR. COBDEN: \* There are two subjects before us which have been rather inconveniently confounded in the course of this discussion—the question of decimal-

ization, and the question of adopting the metric system. You may have the decimal system without the metric system. I think there is a unanimity of opinion in favour of the decimal system in preference to our present mode of notation. There may be the exception of Lord Overstone; but whenever I am advocating a reform, especially one about which the common sense of the community is pretty well agreed, I have made up my mind not to have the honour of the company and countenance of Lord Overstone. Looking to the evidence given before the Committee on which I sat last year, there is a weight of authority in favour of the decimal system, on scientific, educational, and commercial grounds, such as I hardly ever before saw equalled in any Committee. There was, for example, the evidence of Professor de Morgan, the great mathematician and actuary. He was not of opinion that the metric system should be adopted, but he declared—and it is a fact that should be deemed important in this discussion—that boys would save one-half the time they spent in the study of arithmetic, by following the decimal instead of the present system. The Rev. Alfred Barrett, a clergyman who instructs youths for the Artillery service, made the following statement to the Committee:—

“It appears to me that the work of education in the French Military Academy is much more forward than ours, and arises very much from the time of the juvenile pupils being lost in the stupid system of arithmetic which we adopt.”

He was asked, “How much do you think the time spent in education would be shortened by adopting the decimal system?” He answered, “Two years.” He was asked if learning according to the decimal system would be more agreeable, and his answer was, “Yes, I think so, and more complete.” Dr. Farr produced a letter from Lord Brougham, who had collected the testimony of schoolmasters on the subject, and he had come to the conclusion that one-third of the time spent by boys at school in learning arithmetic would be saved by adopting the decimal system. My friend Mr. Edwin Chadwick has given his attention to a new system of education for the poorest class of schools, by which he proposes, without any diminution of the amount of their education, to shorten the time for the instruction of children to three hours a day instead of six. Mr. Chadwick says that more than one hour out of three is wasted by the poor children learning arithmetic, in consequence of the com-

plicated system which they are taught. The Gentleman who just sat down (Mr. Hubbard) has offered a most astounding argument in defence of his views: he is in favour of puzzling the children's heads with the present system of arithmetic, for the purpose of exercising their brains; but does not the hon. Gentleman know, that if you give to those poor children greater facilities for studying the simple rules of arithmetic, they will be able to mount up to the compound rules, or even to the higher regions of mathematics? They will be stopped soon enough by the rules of mathematics, which will abundantly exercise their brains; but let it be done for a useful object, rather than for the mere purpose of tormenting them. I commend to the hon. Gentleman those doggerel lines, written, no doubt, by some despairing urchin, in a moment of distraction—

“Multiplication is vexation,

Division is as bad;

The rule of three it puzzles me,

But practice drives me mad.”

The question of education is mixed up with the question before us in this way—you cannot teach children the decimal system with any advantage unless it is to be available in the ordinary transactions of the affairs of life. My hon. Friend the Member for Staffordshire has been arguing for a permissive and temporizing treatment of this measure. He pities the boys who are learning the present system of arithmetic, and says he would allow the decimal system to be permissive; but what would follow? The poor boys would learn the decimal system and the present system, and that would be no relief to them. Now, I apprehend that what will come out of this discussion is this: you must either adopt the whole of it or not take a step in it at all. You must adopt the system of decimalizing your coins and your weights and measures. Then comes the question, what mode of decimalization will you adopt? The right hon. Gentleman the Member for Oxfordshire says he is in favour of taking a foot measure for decimalization, but objects to the proposed metre as outlandish. I think he has some objection to the origin and source from which the new metre is to come. I suppose the right hon. Gentleman would not object to mechanics or scientific men decimalizing their foot rules, and carrying it through a calculation of measurements; but what is the use of decimalizing a foot or a yard unless you decimalize all the measures into which these



merge and to which they have relation? If you agree to decimalize your foot, you must decimalize your inch and yard to make it of any value; and if you decimalize your pound, you must decimalize your ounce and other weights. If you adopt the decimalizing system at all, about which everybody is agreed, you must enter upon a complicated change of your own weights and measures, that will be just as troublesome to you, and cause as much embarrassment to your trade, as if you adopt the French system. What is the French system? The hon. Member for Leeds said that I had an opportunity of forming an opinion respecting the systems of France and England. I had that opportunity, and probably should not have taken part in the discussion of this question if it had not been forced upon my attention. I was engaged, for I believe six months, in the constant study and conversion of English weights, measures, and prices into French weights, measures, and prices. To say I felt the disadvantage of our system as compared with that of France, and felt mortified and annoyed, would not express my feeling at the time; I felt humiliated. The one is simple, symmetrical, logical, and consistent; the other is dislocated, complicated, uncouth, and incoherent. We need not be alarmed about the French system because it is French. The French system is not founded upon anything peculiar to France. Before the French metric system was adopted, the French Government, in 1790, invited the English Government to send learned Fellows of our Royal Society to France, to devise a system of weights and measures for the world. We declined to interfere, and what is the result? Instead of taking anything peculiar to themselves, the French Government adopted a cosmopolitan standard. They took for their unit of length, weight, and capacity, a geographical and mathematical fact, the ten-millionth part of the quarter of the circumference of the globe, or a little more than an English yard. There is nothing in that to excite the jealousy of Englishmen. If we were asked to take the meridian of Paris for the calculation of the longitude in our navigation tables, you might resent it; but in this case a cosmopolitan standard has been adopted which has no special reference to France. You may adopt the system, therefore, without making the slightest concession to French ideas. I do not know that I could explain the advantages of the system more clearly than by quoting a few words from the evidence of

Mr. Cobden

M. Chevalier. He said, that "the evidence in favour of a good spinning or weaving machine, instead of an obsolete one, would be also evidence in favour of the metric system of calculation." If it were discovered by a traveller in France that the ploughs or scythes used by our agriculturists were inferior to those used in that country, we should instantly change the form of those agricultural instruments, and adopt the model from abroad. But here is a tool that is not merely used by our agricultural labourers in cultivating the land; in every family in the United Kingdom it is in daily use; it offers facilities for saving one-half the time in arithmetical education, and one-third or one-fourth of the time spent in all the transactions in which you are to make use of this tool—and yet there is a difficulty set up in adopting it. Its adoption is resisted by the *vis inertiae* of the country. It is recommended by all the highest authorities amongst those who have had occasion to use it. It is recommended by Sir Rowland Hill, because it is most desirable for the arrangements of his postage. It has been recommended by Dr. Farr, the head of the statistical department of the register of deaths, births, and marriages. It is recommended by Mr. Anderson, the head of your gun factory at Woolwich, and by Mr. Graham, the Master of the Mint. It is stated that Mr. Whitworth finds the decimal system necessary for minute computation and admeasurement. The metric system has been petitioned for by the Associated Chambers of Commerce. All the bodies and classes most likely to be served by using this instrument have petitioned to be allowed to use it; and are we to meet them with the argument that the old system answers very well—we will go on in the ancient way—we object to take anything from the French? Are the whole interests of the country to stand still on that account? If we were satisfied with things as they are, I could understand why we should be indifferent to a change; but what places us completely in the wrong is, that we are all agreed that our present system of weights and measures is unsatisfactory. I have been asked whether the French people have universally adopted the metric system, and I say no. They have, in remote country districts, persons who still estimate the extent of their land by the old measurement; but there is this difference between France and England. The French have no idea of abandoning their new system,

which is being rapidly adopted by the other nations of the continent, and only waits our adoption to become the system of the civilized world; all they want is time to make those poor people who adhere to the old method better acquainted with the new one, whereas, though we are dissatisfied with our system, we are still looking about for the means of remedying it. Our weights and measures are supposed to be a part of Magna Charta, and to be founded upon a declaration of the Barons at Runnymede, more than 600 years ago, who said there should be only one standard in England; but we have actually about 150 measures, which, though illegal, are constantly being used in defiance of the law. We have also penalties to compel the use of legal weights and measures, but they are not inflicted. What is the reason why we have never had one uniform system of weights and measures? It is that we have never presented to the public a motive for uniformity. We have passed a law that the Winchester bushel should be abolished, and the imperial bushel used in its stead; but the imperial bushel offered no more facilities in measurement and calculations than the Winchester bushel. So in other cases. But the distinctive merit of the present proposal is that it promises a great economy of time and labour in the adoption of the decimal and metric system. Above all, it appeals to the youth of the country, which I consider a point of vast importance. It has been said that there can be no immortality for authors unless their books are read by the young. So it might be said in this case, that the greatest hope of success from the adoption of the decimal and metric system is founded upon the appeal made to the sympathy and interest of every young person in the country. The logical sequence with which the decimals in the French metric system follow one another afford satisfaction to the reasoning faculties; it gives a constant triumph to the reason; but we have nothing of the sort in our illogical, inconsistent, and dislocated system. I might compare the distinction between the two systems to the difference between mining in a country full of "faults," and mining in a district where there is one continuous vein. The French are generally considered a more logical people than the English. I believe they are so, and I am sometimes disposed to attribute the fact to their having this decimal system of calculation. I admit that

we should have considerable difficulty in the transition, but think that those difficulties might be successfully encountered by the Board of Trade, under the guidance of my right hon. Friend the Member for Ashton, who has a mind peculiarly suited for dealing with such a question. At the very outset the Board of Trade would have to prepare and issue a table of equivalents in order that the people might know, by comparison with the past, what they were buying. Such a table could be produced with the greatest ease, and in a very short time there would be no occasion for its use at all. It was in evidence that an English workman going to Paris mastered the French system in a month, and one witness has stated that a man of superior intelligence might master it in two days. Now that our old disputes as to financial and commercial questions are disposed of, I think the President of the Board of Trade could not do better than take this matter in hand. Lord Chesterfield endured in history as a great name very much from having been the means of introducing the Gregorian Calendar. I trust that the President of the Board of Trade, in addition to his successful labours in the cause of free trade in corn, and free trade in newspapers, will do his utmost to obtain what certain boys who threatened to petition the House have called free trade in arithmetic.

MR. FERRAND \* remarked, that a small shopkeeper with a capital of £50, had probably spent £3, £4, or £5, in the purchase of weights and measures. It was now proposed to sweep away the whole of that property. He submitted, that if the Bill was to be compulsory, it ought to be compensatory also. The hon. Gentleman amid cries of "Question!" called attention to the large sums demanded from hawkers for licences, and commended the subject to the attention of the Chancellor of the Exchequer.

MR. MILNER GIBSON said, that his hon. Friend the Member for Rochdale had proposed to him a task of no inconsiderable difficulty. Notwithstanding anything that had been said in the course of that debate, he confessed he did not feel very sanguine of being able to induce the people of this country to conform, without great resistance, to any considerable change in their weights and measures. Changes of that nature were always matters of great difficulty. They might, of course, be effected,

but it must be in a cautious manner and by successive steps, so as to cause as small an amount of loss and inconvenience as possible. He had not a word to say against the decimal and metric systems of France; on the contrary, he thought that the authorities who had written on the decimal system had proved its great value—he believed it to be theoretically sound, and that if it could be applied to all business transactions, it would prove equally convenient and beneficial. But the question was, whether the House would give its assent to a compulsory measure which enacted, that from and after a certain time named in the clauses every person in the United Kingdom who did not use in transactions of trade, whether of an extensive or whether of a petty character, the decimal and metric systems, should be liable to a penalty of 40s. Now, his own opinion was, that in such a case as this we must endeavour to fit matters a little to society, and must not expect that society would all at once adapt itself to new legislation, unless some public conviction existed in its favour and unless the minds of the people were prepared to co-operate with the law. That was the opinion of the Select Committee, of which the hon. Gentleman was Chairman, which, while recommending that the metric system should be rendered legal, declared that no compulsory measures should be resorted to until they were sanctioned by the general conviction of the public. He did not think that, as a Minister of the Crown, he could consent to a Motion which went beyond the recommendations of the Select Committee, and assent, against their recommendations, to a proposal that there should be compulsory legislation for the introduction of the system. This was the Resolution of the Select Committee—

“That the use of the metric system should be rendered legal, and that no compulsory measure should be resorted to until approved of by the general conviction of the public.”

What evidence had we that such a change as that proposed by the hon. Member for Rochdale was sanctioned by a general conviction of the public? None, whatever. Many steps ought to be taken before we ventured upon compulsory legislation, which, if attempted prematurely, must have the effect of throwing back the change that all desired to see accomplished. Such had been the case in France, where fifty years expired after the premature decree of the National Assembly before the metric and

decimal systems were brought into general operation in the time of Louis Philippe. There could be no doubt of the advantage of the decimal system in all matters of account, but he contended that we could not make that system the only mode of division which persons should be compelled to use under a penalty. The Government had no objection to any Bill, if such should be thought necessary, which should legalize and license the use of the decimal division; but he should be sorry to see any measure passed to confine men exclusively to that system and prevent them from having recourse, if their convenience required it, to the binary system—the half, the quarter, and the eighth—now in ordinary and daily use. Uniformity in weights and measures, all would agree, was most desirable; but what was their experience of previous attempts to enforce it? We had now established by law two simple and primary units, the standard yard for the unit of length and the avoirdupois pound for the unit of weight; and from these all our other legal weights and measures were derived. The 5 & 6 Will. IV., c. 63, was as precise as could be—it enacted that any person using any weight or measure other than those authorized by that Act should be subject to a penalty not exceeding £5, and also that all contracts made in other measures or weights should be null and void. Yet there could be no doubt that there were at present a great number of local and customary measures and weights in use in this country, in Wales, and in Scotland, contrary to that statute, although common informers had power to sue for the penalty which it imposed. Why, then, was the law not enforced? He could not give any other reason than that it was found an extremely difficult thing to enforce, in any brief space of time, any great change in the customary weights and measures of a country, and that in many districts public opinion would not sanction the prosecution on levying penalties on persons for adhering to weights and measures which they understood, and by means of which they had been enabled to conduct their business with convenience and safety. In the metropolis and other large towns no infractions of this law, perhaps, took place, and the introduction of railways and other changes had a tendency to lead to the voluntary adoption of uniformity in weights and measures on account of its superior convenience. It was better, therefore, to

trust to the gradual appreciation of the advantages of an improved system than to seek, by the rough and compulsory expedient of legal penalties, to bring about a change all at once. He agreed with the hon. Member for Rochdale that it was the duty of all who approved the decimal and metrical system to do what in them lay to prepare the public mind for receiving it; but he was convinced, that although those persons, comparatively few in number, who were engaged in the foreign trade, and whose transactions were generally on an extensive scale, might be favourable to this change, yet, from the innumerable petty traders and shopkeepers scattered throughout the country, any sudden attempt to make it compulsory would meet with a general resistance. He could not therefore, as a Minister of the Crown, assent to a compulsory enactment, because he could not see his way to its practical enforcement. On such a subject they must proceed by single steps; and if the hon. Member for Dumfries would withdraw this Bill, and introduce another of a merely permissive character, that might by degrees familiarize the public mind to the idea of the proposed change, and pave the way for further advances in the same direction hereafter, he might feel himself at liberty to support it. Although he himself was in favour of the theory of the metrical system, he must in fairness state, that having looked at the evidence, he found that all the scientific witnesses examined before the Committee did not support it. Professor de Morgan, while strongly advocating the decimal system for account keeping, regarded the metre as not a good a unit of length for practical purposes. Professor Airey, also, thought that uniformity and harmony with the system of foreign countries might be purchased at too high a price. Still, of the practical bearings of such a question the scientific men were not such good judges as the chambers of commerce. But it would not be fair to let the House suppose that there had been unanimity among the philosophers; even at the present moment several of them inclined to the opinion that it was not desirable to adopt the metre as our unit. With regard to a question which had been put to him by the hon. and learned Member for Southwark (Mr. Locke) as to the testing of the standards, the Act provided that the local standards should be periodically compared with the standards in London; but it contained no provision for the periodical veri-

fication of the standards in London, by comparison with the primary standards kept in a stone box, which were the units and constants upon which all our weights and measures were supposed to depend. He presumed, however, that the authority of the Government would be sufficient to warrant that comparison being made; and as the matter was one of great importance, it would not fail to receive the attention it deserved. The International Statistical Congress, which sat in London two years ago, appointed a Committee to inquire into the best means of overcoming the obstacles which prevented the adoption of the metrical system in various countries. He would suggest, therefore, that it would be well for the hon. Member for Dumfries to wait till that Committee had presented its Report to the next meeting of the Congress, before seeking to legislate compulsorily on this subject. He saw that Portugal, after ten years' of hard preparatory work, had just arrived at the stage for compulsorily introducing the metrical system. He was quite willing, individually to help as a pioneer in paving the way for the adoption of that change in this country; but he believed, that if he were to attempt, by a sort of surprise, to compel people by law in all parts of the country to throw away their present weights and measures and provide themselves with new ones based on wholly novel principles, he would require the assistance of a body of police of no ordinary magnitude, and even then he would not be answerable for the consequences. He trusted, however, that his hon. Friend the Member for Dumfries would spare him the unpleasantness of voting against the second reading of his Bill.

MR. BAZLEY thought the President of the Board of Trade, in his very plausible speech, had conjured up imaginary difficulties. In the departments of the Customs and Excise the decimal system was already largely used; and where would be the difficulty of applying the same principle to the transactions of the general public? Many of the working men of Lancashire were now in the habit of computing upon the decimal system in the discharge of their ordinary duty. He should support the Bill, because it would materially economize time and promote the wealth of the country.

MR. ROEBUCK said, the right hon. Gentleman had recommended the hon.

Member for Dumfries to withdraw the Bill, and bring in another of a permissive nature. He would suggest that the House agree to the second reading before the Bill was withdrawn, because by that course they would at least have affirmed its principle.

THE CHANCELLOR OF THE EXCHEQUER said, that unhappily compulsion was a vital portion of the measure, and could not be separated from its principle. To compulsion in this matter the Government were not prepared to accede, and they would be only deluding the House if they for a moment assented to the second reading of a measure involving compulsion as a means of giving effect to the decimal system.

MR. RICHARD HODGSON said, that the compulsory power was not the principle of the Bill, but only the means by which it was to be carried out. The hon. Member for Dumfries should state, before they divided on the second reading, whether he would agree to change the compulsory provision into a permissive one, and in that case, after the second reading, the Bill might be committed *pro forma*, and altered and printed, and circulated for consideration by the country during the recess.

MR. J. B. SMITH\* said, that he was of opinion, with the hon. Member for Tyne-mouth, that the Bill should be read a second time, because the principle of the Bill was the adoption of the metric system of weights and measures. Whether its adoption was to be enforced or permissive was a matter of detail, and might be dealt with in Committee on the Bill. The President of the Board of Trade had observed that the philosophers were not agreed on the metric system. It was true that there were two philosophers examined before the Committee on Weights and Measures, who were opposed to the metric system. One was in favour of the decimalization of our existing weights and measures; the other, the Astronomer Royal, was opposed to any change at all. Now, he knew that the House had great respect for the opinions of philosophers; he was therefore desirous of reading the evidence of the Astronomer Royal before the Committee, from which they would be able to judge of the practical value of his opinions on this subject. This learned gentleman was asked—

"In the case of a Railway Company having hundreds of charges to make every day for the carriage of goods, which may be of every conceivable weight from a pound up to 100 tons, in such a case having hundredweights and pounds as part of the weight, do you suppose that any table

could be devised that would aid their calculations?"

Answer: "I never had to send goods by railway, and therefore I cannot say."

Q. "Then I tell you that they charge tons, hundredweights and pounds. Do you not think that in France, where a railway has 1,000 kilogrammes for transmission, they would find their calculations greatly facilitated by dividing the 1,000 kilogrammes by ten?"—A. "Yes."

Q. "Is not a large amount of the business of the country the railway carriage of the country?"—A. "No: it is a good deal, but it depends—that is, the convenience or inconvenience depends—entirely on the extent to which large measures or weights, and small ones, are used at the same time."

Q. "Of course it does?"—A. "Generally speaking, in all business I have any acquaintance with, they are not used much together."

Q. "You do not dispute that the railway companies charge the weight by the ton, hundred-weight, quarters, and pounds?"—A. "I do not know how far they go, but I should think they would not go below the quarters. It would depend entirely upon the extent to which the small weights are combined with the large weights."

Q. "Assuming that the railway companies charge below the quarters, then do you think the adoption of the decimal system would be an economy of time?"—A. "Yes; but it scarcely would if they do not go below the quarters."

No doubt the opinions of so distinguished a philosopher as the Astronomer Royal on questions connected with his own pursuits is entitled to great deference; but so much of his life is spent among the stars that he appears to have little practical acquaintance with what is passing in the world below. There was, however, another philosopher examined before the Committee—Professor Miller, of Cambridge—no less distinguished than the others, but possessing the advantage over them of a practical acquaintance with the subject of weights and measures. Professor Miller was one of the members of the Committee for the restoration of the lost standard, and to him was entrusted the restoration of the standard of weight. He is of opinion that the metric system should be adopted in the place of our present system of weights and measures, because it is a perfect system, and because it is now adopted by a very large portion of the world. He was asked by the hon. Member for Staffordshire—"Do you find, in the course of your learned pursuits, that our present system of weights and measures interferes with scientific investigation in any way?" He answered, "Not in the least: they are so complicated, it is quite impossible to use them. The balance-makers provide balances made for accurate purposes with decimal weights of some kind." It ap-

pears, then, that scientific men cannot use our present system of weights and measures; the Astronomer Royal himself never uses them in his calculations; there has been no reason urged why the public should be condemned to use them except that any change would be attended with temporary inconvenience and would be especially distasteful to old women. He (Mr. J. B. Smith) did not believe that the English people were less intelligent than the Dutch, Swiss, Spanish, or those of any other country that had adopted the metric system with so much public advantage, and he therefore hoped the House would allow the Bill to be read a second time.

MR. DARBY GRIFFITH was ready to support that part of the measure relating to decimal computation, but was unwilling to pledge himself to the adoption of the metric standard.

COLONEL SYKES \* said, as a Member of the Committee on Weights and Measures, and concurring entirely in the recommendations of the Committee, he might not have risen after the conclusive statements that had been made; but some observations of the right hon. Member for Oxfordshire needed remark. The right hon. Gentleman said that the metric system in France had originated in the Revolution, when there was a mania to abolish every previous institution, and its adoption had been abrogated by Napoleon the First. The fact was that as early as the 8th May, 1790, a commission of the Academy of France was ordered by the Constituent Assembly, upon which sat academicians and mathematicians whose names have taken a place for ever in science. The commission at first thought of adopting the length of a pendulum vibrating seconds in the meridian of Paris as the basis or standard; but as gravity is not uniform throughout the globe, the plan was given up, and an immutable standard of the ten-millionth part of the quarter of a meridian was adopted. On the 26th March 1791, the recommendation of the Commission of the Academy was sanctioned; but it was not until the 1st August 1793, that the new system, with its decimal notation, became law, and it was slightly altered in 1795. It continued in operation until 1801, when some relaxation took place owing to Napoleon's opposition to the system; and in 1812, when Emperor, he let the people substitute the old terms; but under Louis Philippe it was found that such confusion had ensued,

that the Chambers restored the metric system, which has continued in operation ever since. The argument of the right hon. Gentleman, therefore, told against himself; for so far from the metric system being abandoned because it would not work, it was in fact restored because of the confusion consequent on its abandonment. The right hon. Gentleman said, also, that the majority of the European nations had not adopted the metric system, but this was not the fact; Russia, European Turkey, and Wallachia, were the only European countries where there had not been a movement in its favour. The three Scandinavian nations, Sweden, Norway and Denmark, had recently passed resolutions in its favour, and even in Russia the thin end of the wedge was being inserted. Surely, therefore, his right hon. Friend would not wish to have England left in the same category with Turkey and Wallachia. England had a great commercial interest in the metric question; for the value of her trade annually in those countries where the metric system prevailed, was fifty-five millions sterling, while in those countries in which the metric system did not exist, the value of the trade was only twenty-four millions per annum. A practical illustration of the economy of time and figures, by the use of decimals in arithmetical calculations, had not been given by the speakers who had preceded him, and he would offer one from a paper he had in his hand. It was the determination of the value of 5,760 yards of calico at  $3\frac{1}{4}d.$  per yard, by compound multiplication, by the rule of three, by practice, and by the aid of a decimal table; the answer, of course, was the same—namely, £93, by each mode; but compound multiplication required forty-three figures; the rule of three, forty-four figures; practice, thirty-three figures; and by the aid of the decimal table, only fourteen figures were required. This was conclusive. Great stress had been laid upon the difficulties attending the introduction of the metric system, particularly in respect to the prejudices against the Græco-Latin terms to be used. But these terms might be dispensed with, and our own old and familiar monosyllabic “ton,” “pound,” “ounce,” “quart,” “pint,” &c., be retained, the present quantities of each designation only being altered, to make them correspond with the terms and quantities in the metric system. The objections to the Bill on account of its penal clauses have no force, for every “Weights and

Measures Bill" already passed has its penal clauses, which are constantly put into operation. Moreover, with respect to all the difficulties alleged, every nation which has adopted the metric system equally experienced them, and it cannot be believed that England would fail to do what other countries had succeeded in doing. He would therefore heartily vote for the second reading of the Bill.

Mr. W. EWART, in reply, said he was willing to accept the Government proposition, if they would undertake to use their endeavours to prepare the country for the change, by introducing the metric system into schools, and in any other manner that might be open to them.

Mr. MILNER GIBSON said, he could not off-hand pledge the Government to any particular course, nor could he speak for the Committee of Privy Council.

THE SOLICITOR GENERAL pointed out that the Bill was essentially a compulsory measure, for it spoke throughout of the unity of weight and of capacity, and did not say that persons might use that unity or not as they pleased.

Motion made, and Question put, "That the Bill be now read a second time."

The House divided :—Ayes 110 ; Noes 75 : Majority 35.

Bill read 2<sup>o</sup>, and committed for Tomorrow.

#### SHEEP, &c. CONTAGIOUS DISEASES PREVENTION BILL—[BILL 98.]

##### SECOND READING.

Order for Second Reading read.

Mr. HOLLAND said, the Bill was intended to provide additional means of preventing the spread of infectious diseases among cattle, which had become very prevalent since the importations of foreign cattle had been legalized. In consequence of diseases thus imported, the farmers suffered great loss, while the consumers of meat were also injured by the sale of diseased meat and by the enhancement of price that had taken place. He thought that an extended system of inspection, under the control of the Privy Council, would be of great benefit in this matter, and the object of the Bill was to provide for such inspection. Considering, however, the period of the Session and the difficulties which stood in the way of a private Member, he should move that the order for the second reading be discharged, upon

*Colonel Sykes*

the understanding that the Government would introduce a Bill to continue the present Act for a brief period, and in the mean time to consider whether a more complete measure could not be framed.

Mr. BENTINCK remarked that the introduction of diseases among cattle had been one of the many blessings that had flowed from free trade.

Mr. H. A. BRUCE said, the Government would introduce a Bill to continue the present Act. The evil that it was desired to cure was undeniable, but the difficulty was as to the best means of meeting it. Great vigilance was exercised at the ports to prevent the admission of diseased animals, and Mr. Gamgee, an eminent veterinarian, had been appointed to inquire into the subject. That gentleman had made a Report which was under the consideration of the Government with a view, if possible, of introducing a more complete measure in the next Session.

Order discharged : Bill withdrawn.

#### UNION RELIEF AID ACT CONTINUANCE BILL:

##### LEAVE. FIRST READING.

Mr. C. P. VILLIERS moved for leave to introduce a Bill to extend for a further period the provisions of the Union Relief Aid Act. The Bill was identical with that introduced at the beginning of the Session, which had been passed only for two quarters, upon the understanding that if there should be a necessity it should be renewed. There was a necessity for a renewal, and therefore he asked leave to bring in the Bill.

Mr. J. TOLLEMACHE regretted to hear that the Bill was simply a renewal of the existing Act, some provisions of which were very objectionable to his constituents in Cheshire.

Motion agreed to.

Bill to extend for a further period the provisions of the Union Relief Aid Act, ordered to be brought in by Mr. VILLIERS and Mr. GILPIN.

Bill presented, and read 1<sup>o</sup>. [Bill 199.]

#### GREENWICH HOSPITAL (PROVISION FOR WIDOWS) BILL.

On Motion of Mr. STANSFELD, Bill to enable provision to be made, out of the Funds of Greenwich Hospital, for the Widows of Seamen and Marines slain, killed, or drowned in the sea service of the Crown, ordered to be brought in by Mr. STANSFELD, and Lord CLARENCE PAGET.

Bill presented, and read 1<sup>o</sup>. [Bill 200.]

House adjourned at

Digitized by Google Six o'clock.

## HOUSE OF LORDS,

*Thursday, July 2, 1863.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Public Works (Manufacturing Districts) \* (No. 179); Howth Harbour \* (No. 180); Newcastle-upon-Tyne (Saint Mary Magdalen Hospital) \* (No. 181); Removal of Irish Poor \* (No. 182); Savings Banks Act Amendment \* (No. 183).

*Second Reading*—British Columbia Boundaries [H.L.] (No. 149); Land Drainage (Provisional Orders) \* (No. 160), and referred to Select Committee.

*Committee*—Naval Medical Supplemental Fund Society Winding-up Act, 1861, Amendment \* (Nos. 102 & 184); Telegraphs \* (Nos. 156 & 185); Jurisdiction of Justices [H.L.] \* (No. 172); Postmaster General (Sale of Land) \* (No. 168).

*Report*—Local Government Supplemental (No. 2) \* (No. 154); District Parochial Churches (Ireland) \* (Nos. 126 & 186).

*Third Reading*—Officers of Royal Naval Reserve \* (No. 131); Sale of Mill Sites, &c. (Ireland) \* (No. 108); Volunteers (No. 159); Regimental Debts, &c. \* (No. 141); and severally passed.

## INDIAN ARMY AND NAVY.

## PETITIONS.

THE EARL OF ELLENBOROUGH presented a Petition from the Officers of the Army and Navy of the late East India Company, complaining of certain grievances, and asking for an inquiry. The Petitioners complained, that in consequence of the regulations which had been made on the abolition of the East India Company's service, and the transfer of their powers to the Crown, they had been placed in a much worse position than they would have been had not that transfer taken place, or if they had been transferred directly to the Queen's service. As, however, a Commission had been appointed to examine the claims of the officers of the military service, that part of the Petition to which he wished more especially to direct their Lordships' attention, was that relating to the naval service of the late East India Company. The officers of the late Indian navy alleged that assurances (of which, however, he had himself no recollection) had been given, that the Indian Navy should be maintained; and complained that the scale of pensions established on its abolition was unjust and inadequate. He himself did not see any evidence of any intention on the part of the Government to make the compensation unjust or inadequate; but in looking in detail at a portion of the scale, he saw reason to think that the compensation given was exceedingly unequal, and that

the scale had not been framed with any degree of judgment. There were 68 lieutenants, who were divided into three classes. The first class, consisting of 24, were to receive £300 a year; the second class of 24, £250; and the third class, numbering 20, £200. This division into classes was quite arbitrary. The officer standing last in the first class was appointed in 1843, his commission was dated 1851, and he was to get £300 a year, and would be made a commander. The first officer in the second class was also appointed in 1843, and his commission was dated only twelve days later than the other; but he would receive only £250, and would not receive the rank of commander. The last officer on the commanders' list got £400 a year; the first of the lieutenants, who was appointed and had served since the same year, would get £100 less; so that the amount of the pension had evidently no reference to the length of service, which was the only true principle on which pensions should be given. The inconsiderateness of the scale was strikingly shown in the case of midshipmen, who were granted pensions in this case, though in the Royal Navy they would not be considered entitled to any pensions at all. There were sixty-eight midshipmen, of whom the oldest had been in the service eight years, and the youngest was appointed on the 4th of January 1862, and pensioned in this country on the 28th of November of the same year; he therefore strongly suspected that he never went to India; yet he would receive a pension of £60 a year, or, under the arrangement for capitalizing, a sum of £960 down, for having done the Company the honour of being on their list of midshipmen for ten months. The proper plan would have been to proportion the pensions to the periods of service. Had that rule been adopted, no officer would have considered himself aggrieved. The Court of Directors spoke in high terms—to the justice of which he could himself bear witness—of the good service which had been rendered by the Indian Navy, which had distinguished itself on every occasion on which it had been employed. The officers were extremely good navigators and seamen, and they were the first to introduce both steam and iron steam vessels into the war navy. So efficient, indeed, was this force, that when he was in India in 1842, of thirteen or fourteen steamers which were then employed in those waters, only one



belonged to the Crown. He did not share the apprehensions of the Court of Directors that these officers would not be able to obtain other employment. On the contrary, he believed that their acquirements were such that they would be the most eligible persons to command the mercantile marine trading with India and the steam vessels employed on the coasts of that country; but he must express his regret that arrangements had not been made to enable Her Majesty to avail herself of the services of such officers as might be disposed to enter the Royal Navy.

THE DUKE OF ARGYLL said, he had also a Petition to present from the East India Company of a similar character. That Company had no more *locus standi* than any other body of private individuals, but he was sure their Lordships would always be ready to receive with consideration any representation which it might be pleased to make. The question was not whether the scale of pensions had inequalities, but really whether it was inadequate or unjust; and to show their Lordships that it was neither, he would simply compare it with that to which the officers would have been entitled if no change had taken place in the government of India, and with the scale of pensions given to officers in the Royal Navy. In the first place, captains, who were not entitled to any pension formerly till after they had served twenty-two years, and who received under the old system £360, would, under the new scale, receive pensions from £400 to £550. In the Royal Navy the highest pension given to the same rank was £456 a year; but in no case was that sum given to any officer until he had reached the age of sixty years. Commanders of the East India Company, under the old scale, would receive £290 a year, but not until they had served twenty-two years; under the new system they would have from £400 to £450. In the Royal Navy the highest pension given to that rank was £300, and he believed that there was the same regulation with respect to age as in the case of captains. Lieutenants, under the old scale, received £190; under the new, the pensions would be between £200 and £300. In the Royal Navy they did not receive any pension, however long their services might have been. The mates, who, under the old system, had no pension, would receive from £100 to £150; while midshipmen would receive £60. On the whole, he thought their Lordships would see that there was

no ground for asserting that the new scale of pensions was unjust, inadequate, or illiberal.

THE EARL OF ELLENBOROUGH reminded the noble Duke that the remuneration for all services in India was higher than in the Royal Navy; and moreover, that these officers had lost their chance of obtaining certain great pensions formerly open to them.

BRITISH COLUMBIA BOUNDARIES BILL  
[H.L.]—(No. 149.)—SECOND READING.

Order of the Day for the Second Reading read.

THE DUKE OF NEWCASTLE, in moving the second reading of this Bill, said, its provisions were simple and few, and required very little explanation. But a wish had been intimated to him from several noble Lords that he should give some further information on the subject of an extension of the means of communication across that great interval of country between British Columbia and Canada. Before, however, he proceeded to give that information, he begged leave to say a few words upon the present condition of British Columbia and Vancouver's Island—because he believed that upon their prosperity depended very much what had been so long desired and was so nearly accomplished in those districts. An impression prevailed, that whatever was the case with regard to British Columbia, the Colony of Vancouver's Island never had and never would prosper. But whatever had been the case until recently, Vancouver's Island had now taken a considerable start, and was likely to be of the greatest importance to this Empire in future years. Practically, this colony was founded as lately as 1849; and during the earlier years since that date, while it was under the management of the Hudson's Bay Company, who used it not with any view to colonization, but for the transactions of their commercial business, it certainly made no material progress. Five years ago, however, the charter of the Company expired; but although it was only in the present year that the last payment was made to the Company on the proprietorship being resumed by the Crown, yet the prospects of the colony, especially during the last two years, had very greatly improved. There were great complaints from certain parties of the present system of Government, both in Vancouver's Island and British Columbia. In Vancouver's

Island the Government established in 1849 was composed of a Governor, a Legislative Council, and a House of Representatives. The number of Representatives was necessarily very small; at first they were only seven; but recently he had advised the Crown to increase the number to fifteen; and to grant to the colony an Executive Council. It was not his intention to recommend any further interference on the part of the Crown with the constitution of the colony. He would now show, by statistics, what very considerable progress the colony had made during the last two years. In 1861 the shipping entered was 101,721 tons, and in 1862 it had increased to 199,000 tons. The imports in value were, in 1861, 2,335,000 dollars, and in 1862 they had increased to 3,555,000 dollars. An idea prevailed that this increased prosperity was more beneficial to other countries than to England, but he found that the imports for England alone were in 1861, 516,000 dollars, and in 1862, 694,000 dollars, being an increase of 178,000 dollars. Another fact, very gratifying and conclusive as to the advantage to British trade, was, that the imports from England, which in the first three months of 1862 were 120,000 dollars, had in the first three months of the present year reached 400,000 dollars, being an increase of more than 300 per cent, whilst the increase of imports from other countries was only 63 per cent. He might say, further, that the merchants were beginning to store goods at Victoria instead of San Francisco, and that, at the former place, there was a small but growing Admiralty establishment; and this was a matter of considerable importance to the navy of this country, inasmuch as the district itself afforded an ample supply of coals, and the harbour was one of the safest in the world. The progress of British Columbia was almost without example. The colony was established only four years ago, and already it was self-supporting, and would not, he believed, ever appear again in the annual Estimates of the House of Commons. Considering the recent formation of the colony, that was in its kind an unexampled proof of colonial growth and prosperity. There were no exports at present except gold; but the imports, which in 1861 were in value 1,414,000 dollars, had in 1862 reached 2,201,000 dollars, or nearly double in the short space of twelve months. The revenue of British Columbia was increasing annually. It had doubled within

the last twelve months, and now amounted to £100,000, with every prospect of an increase. As a proof of the energy of the colonists, he would state that a thousand miles of roads had recently been opened. They had borrowed £100,000 for the purpose; but as the tolls had last year produced £10,000, and were expected to produce £20,000 next year, the debt would probably be paid off in five years. These roads were concentrated in the town of Alexandra, in the centre of the colony; and when the system of roads was completed up to the Frazer river, there would then be communication with the Rocky Mountains, at a point where it was not difficult to cross them, and whence the route to Canada was not so difficult as was generally supposed. Before he proceeded further, he would refer to the future Government of these two colonies. At present, according to the arrangement made by his predecessor, both colonies were governed by one Governor, under two different forms of government. The right hon. Gentleman who had preceded him (Sir E. Bulwer-Lytton) was perfectly justified in establishing that system as an experiment; but in all respects it had not worked well, and it was not desirable it should be continued. Some blame had been thrown on the Governor, Mr. Douglas; but he (the Duke of Newcastle) did not think it was at all deserved. Governor Douglas had done immense service to the colonies; and if there had not been a man of his peculiar character and energy of mind in the position, British Columbia would probably not have attained to its present state of prosperity. Though he was now relieved, it was only in the usual course; in fact, he had been longer at Vancouver's Island than the usual term. It was contemplated to confer on British Columbia a form of government which was thought would be best adapted for the present to the peculiar population, in which at present the natives outnumbered both the settled and migratory whites. It was manifest that complete representative institutions could not be conferred upon such a community. The plan adopted for the future government of the colony was the establishment of a Legislative Council very much resembling that of Ceylon. It was to consist of fifteen members, one-third of whom would be public officers of the Colony, one-third magistrates, and one-third would be chosen by the population in such a manner as the Governor

might think fit. This was an intermediate stage between the present system and representative Government, and was thought best fitted for the present condition of the Colony. The greatest impediment to the future prosperity of the Colony was its want of communication with the outer world. The communication with England by San Francisco and Panama was exceedingly circuitous and difficult; but communication with Canada and the east of North America was absolutely precluded. In the course of the discussion last year he said that he had every reason to hope that he should be able this year to state to the House that arrangements had been made to complete the communications between the Colony and the east of British North America; and he thought he could now inform their Lordships that arrangements had been entered into calculated to carry out that object. When he spoke upon the subject last year, he was in communication with a gentleman of great experience, knowledge, and energy—Mr. Edward Watkin—who was constantly travelling between Canada and this country, and he had requested him to inquire whether it would be possible to effect a communication across the continent. This gentleman returned with considerable information; and he (the Duke of Newcastle) suggested to him to place himself in communication with persons in the commercial world who might be willing to undertake the carrying out of such a communication. He had put himself in communication with Mr. Baring, Mr. Glyn, and others; and he believed they had arrived at the conclusion, that if arrangements could be made with the Hudson Bay Company, the undertaking should have their best attention. In order that this important communication across the continent might be made certain, guarantees were to be given by Canada on the one hand, and British Columbia and Vancouver's Island on the other, and it was proposed that each Colony should appropriate land for this purpose. The scheme would not involve any expenditure on the part of the Imperial Government. No Bill on the subject had as yet passed through the Canadian Parliament, because the Canadian Legislature had been in something like a state of abeyance during the last year, and lately it had been dissolved; but the guarantee had been sanctioned by the Canadian Government, and there was very little doubt that it would receive the sanction of the Legis-

*The Duke of Newcastle*

lature. If it did not—which he by no means apprehended—of course the whole thing would fall to the ground. A similar guarantee would be asked from British Columbia and Vancouver's Island, and he had the assurance of the Governor that these Colonies were in a position to give such a guarantee; and he added that in his opinion it would be money well expended. A complete intercolonial railway system had long been looked forward to by those interested in our North American provinces, and he hoped none of their Lordships would be disposed to undervalue its immense importance. It would be impossible to overrate the importance to this country of an interoceanic railway between the Atlantic and the Pacific. By such a communication and the electric telegraph, as great a revolution would be effected in the commerce of the world as had been brought about by the discovery of the Cape of Good Hope. It was unnecessary to point out to their Lordships of what importance it would be in case of war on the other side of the Atlantic. Nobody who had paid any attention to the subject could doubt that a great future was before our North American Colonies; and he hoped that none of their Lordships would, without mature deliberation, pronounce this scheme either visionary or premature. On every ground the subject was well worthy of that attentive consideration which he was sure it would receive at the hands of their Lordships. There was another matter on which he wished to say a few words. Some eight or nine days ago it was stated in a portion of the press that the Hudson's Bay Company had sold their property to the International Financial Association. That statement was not altogether accurate, and certainly it was premature; for he had been informed, within two hours before he came down to the House, that the whole arrangement had only been completed that afternoon. He had not received any official communication on the subject, but some of the gentlemen concerned had been kind enough to inform him of the facts. He had stated on a former occasion that the Hudson's Bay Company had expressed a wish to sell. Certain parties in the City had, in the first instance, entered into communication with the Company for the purpose either of purchasing or obtaining permission for a transit through the Company's possessions. After some negotiations, the alternative of permission for a transit was agreed upon.

That conclusion having been arrived at, he did not know what it was that raised the whole question of sale again; but some fortnight or three weeks ago, fresh negotiations were opened. Parties in the City proposed to the Hudson's Bay Company to give them, by way of purchase, a sum of £1,500,000. What had appeared in the papers was that the rights of the Hudson's Bay Company had been transferred to the International Financial Association. What had really taken place was this:—The Hudson's Bay Company very prudently required that the money should be paid down, and that the whole sum of £1,500,000 should be ready on a given day, which he believed was yesterday. Of course, the intending purchasers could not raise the funds to carry out that transaction in the course of a week, and they therefore applied to the International Financial Association to take the intermediary position, which was the special function of that Association. The Association agreed to do so, and the money either had been paid, or would be ready on a day arranged upon. The report that the Association itself had intended to become the proprietors of the shares of the Hudson's Bay Company originated, no doubt, out of this negotiation; but to do so was, he believed, quite foreign to the principle on which the Association carried on their business, as in such transactions they occupied only an intermediate position. A prospectus would be issued to-morrow morning, and the shares, amounting to a capital sum of £2,000,000, would be thrown upon the market, to be taken up in the ordinary way upon the formation of companies. These shares would not remain in the hands of the Association, but would pass to the proprietors as if they had bought their shares direct from the Hudson's Bay Company. Of course, the Company would only enjoy the rights which these shares carried, and no more. They would, in fact, be a continuation of the Company; but, besides carrying on the ordinary business of the Company, they intended to direct their management to the principle of developing and promoting the settlement of the country, the development of the postal and transit communication being one of the objects to which they would apply themselves. Of course, the old Governor and his colleagues, having sold their shares, ceased to be the governing body of the Hudson's Bay Company, and a new council, consisting of most responsible persons, had been formed that

afternoon. Among them were two of the Committee of the old company, with one of whom, Mr. Colville, he had had much personal communication, and could speak in the highest terms as a man of business and good sense. There were also seven or eight most influential and responsible people, and the name of the Governor—Sir Edmund Head—who had been elected to-day, would be a guarantee of the intentions of the new Company; for no one would believe that he had entered into this undertaking for mere speculative purposes, or that the new Company would be conducted solely with a view to screw the last penny out of this territory. While the Council, as practical men of business, would be bound to promote the prosperity of their shareholders, he was sure that they would be actuated by statesmanlike views. No negotiation with the Colonial Office had taken place, and, as this was a mere ordinary transfer, no leave on their part was necessary. But arrangements must be entered into with the Colonial Office for the settlement of the country, and at some future time it would be no doubt his duty to inform their Lordships what these arrangements were. With regard to the present Bill, the Act of 1858 had prescribed certain limits to the colony of British Columbia which were amply sufficient at that time. But since then very large gold districts had been discovered north of that boundary, and it was necessary to have some laws there, and a magistrate to enforce them. It was now proposed, therefore, to add that district to the colony of British Columbia. Another object was to continue the existing Act to the close of the year as a matter of precaution, though the moment the Order in Council was promulgated the old form of government would cease and the new one would come into force.

*Moved*, That the Bill be now read 2<sup>d</sup>.

THE EARL OF DONOUGHMORE expressed himself gratified with the statement of the noble Duke as to the progress and prosperity of the Colony. That statement showed the necessity, more and more, that communication from Canada across the Continent should be established as soon as possible. The last despatches stated that gold had been discovered on the eastern side of the Rocky Mountains, on the head waters of the Saskatchewan River, as well as on the western side. He was not informed whether the yield at present was abundant; but the geological formation being some-

what similar to that on the other side of the ridge, he thought large quantities of gold would be found there. That was another reason why some intercommunication should be made with those districts, for the purpose of conveying food and other necessaries to those districts, for the mining population would otherwise suffer severe privations if there were no such means of conveyance. As his noble Friend on the cross benches (Lord Taunton) had probably parted with his interest in the Hudson's Bay Company, he would probably not object to hear a free opinion with regard to it. He believed the Hudson's Bay Company to have been a complete bar to the progress of the territory. The whole policy of the Company had been to prevent settlers from going into their territory—they seemed to think that it was necessary for the purposes of their trade to keep it a "howling wilderness." He was sorry to hear the noble Duke say that two of the Directors of the old Company were to be members of the new board, because if they retained their former opinions and feelings, he could have very little hope of any desirable change taking place. One great objection which the Company had to settlers going there was that it would destroy the means of obtaining a certain sort of preserved meat which was wanted for provisions for their men; but he himself should surely have thought that good meat might have been carried out from England upon more advantageous terms. He could not agree with that part of the noble Duke's speech in which he said that this transaction between the Hudson's Bay Company and the new association was an affair with which the Colonial Office had nothing to do; that it was a mere transfer of the rights of the Company from one set of shareholders to another. The fact was, that the circumstances of the Hudson's Bay Company were very peculiar. In the reign of Charles II. a charter was granted to certain persons conferring rights of a most enormous character; the whole of the country which drained into Hudson's Bay was conveyed to the Company for ever; they had not mere manorial rights, but absolute possessory rights—at all events such rights were said to be conveyed by the charter. Now, putting out of question the fact that at the time of the grant only part of the coast of Hudson's Bay had been discovered, there was also this fact, that a portion of the

territory had already been granted by the French King to his subjects, and on grounds as valid as those acted upon by our King when he granted those vast territories to the Company. A large portion of the territory, as far as Fort Tropez to the westward of the Red River, had been actually occupied by the Canadians; and a very considerable portion of the territory conveyed by the charter now formed part of the United States, by virtue of a boundary line which had been agreed upon. The whole of the upper part of the course of the Red River was admitted to be within the boundaries of the United States. It was only in British territory, however, that the Company claimed to exercise possessory rights. He was perfectly well aware that the question had been considered, as to what steps could be taken to fix the extent of the rights claimed both as to the territories they existed over and also as to their nature. This course had been recommended some years ago by a Committee of the House of Commons, but nothing had been done to carry out that recommendation. He had not himself been much disposed to press the matter whilst the Hudson's Bay Company followed the practice of passive resistance; but now that a complete change was taking place, he thought that some decision should be come to in the interests of Canada and British Columbia, and also those of the Company. If this course were not adopted, the new Company would say that what they had done had been done under the eyes of the Colonial Office, and therefore that the Government could make no objection. He was also afraid that the new Company would use their rights in the same way as the old one had done. He had not understood very clearly what the exact arrangement was to be. Last year it was understood that the Hudson's Bay Company were to sell or to grant a slip of land for the road, that Canada and British Columbia should each construct the portion of road within their boundaries, and that those two colonies, together with the colony of Vancouver's Island, should each bear a certain amount of charge; but the arrangement had been changed, as he now understood the Colonies were to purchase a strip of the Company's territories.

THE DUKE OF NEWCASTLE: No, the Colonies are not to purchase, the Company is to grant.

THE EARL OF DONOUGHMORE observed, that he also understood that the in-

terest in respect of part of the road was to be guaranteed by the Colonies of British Columbia, Canada, and Vancouver's Island. The whole arrangement now seemed to have been changed, and a new Company was to be formed.

THE DUKE OF NEWCASTLE believed that those who had now purchased the shares of the Hudson's Bay Company were nearly identical with those who had previously agreed to make the road without having such shares.

THE EARL OF DONOUGHMORE feared that there would be a conflict of interests between the Company that was to make the road and the new Hudson's Bay Company; for even the making of a road would be considered an interference with their interests by a company who thought it desirable to keep the territory a desert. He further believed that it would be found almost impossible to make the road; and it would be cruel to take labourers out for that purpose and then leave them there. The proper way would be to take settlers there first; and as the road became finished, they would naturally settle along it, and raise corn and cattle for those who used the road. He had hoped to hear that this new Company had entered into some arrangement that they would not claim the extreme rights under the charter which the old Company had claimed; and that they would have entered into engagements in reference to the introduction of settlers. He was sorry that the Foreign Secretary was not in his place, because before concluding he wished to ask a question, which was naturally connected with this subject, and that was as to the disputed claim to the island of San Juan. That island was so situate that all vessels passing from Esquimault harbour to Victoria must pass within cannon-shot. He wanted to know what was the state of the negotiations with the American Government, or whether we were to wait until it suited the convenience of the United States Government to settle the question. It was true that the events of the last year had been such as to occupy all the attention of that Government; but still the fact of an American force being stationed almost within sight of the capital of a British Colony was one that ought not to be lost sight of.

LORD TAUNTON said, that the language of the noble Duke had conveyed to him the impression that he did not attach sufficient importance to the transfer of the stock and rights of the old Hudson's Bay

Company to a new joint-stock company. The position of the old Hudson's Bay Company was one full of anomaly. It was not a mere fur-trading Company, but possessed rights of almost an imperial description. Taking, as he did, a more favourable view of the manner in which that Company had fulfilled its trust than did the noble Earl who had just sat down (the Earl of Donoughmore), he was never much disposed to cavil at or attack its charter. He admitted that the Company had pursued a blind and inconsiderate policy with respect to the introduction of settlers, because nature herself had drawn a distinction between the part of their territory which was adapted to the habits of the fur-bearing animals and that which was adapted to settlements. But while he admitted that something might be said against the old Company, on the other hand the Company had had great duties and great trusts, which they had fulfilled in a manner that was creditable to them and to the country which they represented. Their conduct to the Indian tribes was, taken as a whole, highly creditable; and they had executed their powers in a truly British spirit, taking care to keep the country for England, and jealously watching the frontier against intruders, and always ready, when the interests of this country were at stake, to remember that their charter had been granted by an English Monarch for English purposes. Now, however, everything was changed. The territory, the stock, and everything belonging to the old Company had now, it appeared, been transferred by a sale in the market. It was true that the shares might have been sold before, but the spirit and traditions of the Company remained the same. Now all that must be changed. He was ready, from the general information which he had received, to concur with the noble Duke that the persons who had undertaken to form the new Company were highly respectable; and both on private and public grounds he could not speak too highly of Sir Edmund Head, whose services they had secured as the new Governor; but it must be remembered that Sir Edmund was not a mercantile man, and would not have much influence in the commercial affairs of the Company. He had been told, however, that the real effective directors of the new Company were either Americans by birth or closely connected with the American trade; and he was told that one very strong element

in the Company were the agents in this country of the American Fur Company. He hoped that he was expressing no unreasonable jealousy when he said that he looked with alarm at a transfer of this description. He should not like to see the seat of the fur trade transferred from London to New York. Nor should he like to see this matter treated on purely mercantile principles, without reference to any other consideration. Formerly they were told that this was a close corporation. He was afraid that there was now some danger of our falling into the opposite extreme. The new Company would be a completely open one, its shares would be sold in the market, it would be constantly changing, and, as far as political subjects were concerned, could have no steady or settled policy. The fur trade, he had no doubt, would be conducted very much as it was by the old Company. Some persons complained of the existence of a monopoly, and desired to have free trade. It was impossible to carry out free trade in a fur district. You might as well talk of having free trade in a deer forest or a pheasant covert. Under such a system the animals would speedily become extinct. What was more important was that there should be no change in the treatment of the Indians, which had always presented a pleasant contrast to the mode in which they were dealt with on the American side of the frontier. An American writer, who was no friend to the Hudson's Bay Company, had admitted that its officers had discovered the secret of preserving the Indians by rendering them useful to the white man and the white man to them, and had afforded an instance, singular in history, and as valuable as it was singular, of the protection of this unfortunate race against the advances of civilization. He should like to know more of the views of Her Majesty's Government upon this question, and in order that they might approach its discussion with rather more knowledge than they then possessed, he suggested that the noble Duke should postpone the third reading of this Bill for a few days, and should, in the mean time, lay upon the table the correspondence of which he had spoken. This he would say, that this transfer of the rights and property of the Hudson's Bay Company was a matter of too much importance in our colonial history to be passed over as a merely mercantile transaction with which Parliament had nothing to do. He was glad to hear the

*Lord Taunton*

noble Duke's declaration as to the importance which he attached to the preservation of Vancouver's Island, and he did not object to what he had said with reference to the modification of the constitution of British Columbia. At the same time, he should be sorry to see what was called representative institutions given to the population of that colony at the present moment. The noble Duke had drawn a very flourishing picture of the state of that country, but he was afraid that it admitted of the addition of some dark shades. There was one very painful matter in connection with the subject, to which he wished, before he sat down, to refer. He was informed that a very shameful traffic in Indian women was being carried on in those quarters, and that these wretched creatures were in many instances allowed to perish from the most shocking of diseases, or carried back to their homes from which they had been taken, where they spread the evil among the aboriginal tribes. He heard it also stated that a spirit of a most injurious character was frequently administered to the natives, and that owing to these two causes the most horrible results were produced. He should wish to know whether the attention of the noble Duke had been called to the subject. As to the facilities for the establishment of telegraphic communication, his noble Friend must possess more ample information than himself; and it was evident he was discharging no mere official duty, but one which was grateful to his understanding and heart, in making the proposals which he had done, with a view to contributing to the welfare of the country to which they related. He trusted, however, the noble Duke would postpone the third reading of the Bill to a date which would admit of all the information possible being obtained on the subject.

THE DUKE OF NEWCASTLE said, he should be most happy to lay on the table any papers which could afford his noble Friend (Lord Taunton) the additional information which he desired. With regard to the transfer from the Hudson's Bay Company, the only document which he was able to produce was a very short letter intimating that such an arrangement had been made. What he had proposed to lay on the table was a much larger collection of papers relating to the subject generally. Those he must produce at a later period, because they were somewhat bulky; while he should be happy to postpone the third reading to as distant a day as would ad-

mit of the Bill being passed in the present Session. He might further state, in reply to the remarks of his noble Friend, that there were in the old Company several gentlemen who did not wish to part with their shares, and who had determined to retain them; and that his sanction was not required in the matter; while he had still reserved to him every power which he previously possessed. His noble Friend had made some observations which were calculated to raise a prejudice against the new Company when he observed that he understood the American element was very strong in it. It would, however, have been fairer if he had waited until the next morning, when the prospectus would be issued; the fact being, he believed, that there was one gentleman out of nine on the Council who traded largely with the United States, and that he was a naturalized Englishman; while it was impossible to know that the American element prevailed among the shareholders, inasmuch as the shares had not yet been allotted. His noble Friend had drawn a sad picture of crime at the gold diggings and of the state of the unfortunate Indian women; but he did not believe, that except by the introduction of a larger male population, matters were at all worse than before the discovery of gold. He gave the Hudson's Bay Company the greatest credit for endeavouring to protect the Indians to the utmost of their power; but the Company had found it impossible to prevent some of the evils which arose from the presence of sailors and persons trading for profit to the district. Moreover, the disease to which he had referred was introduced by the Spaniards a hundred years ago, and had since swept off whole tribes. It was most lamentable, but so it was, and it was not fair to endeavour to raise a cry against the colony upon this ground. He took the statements of his noble Friend for granted, because it was a picture of what had unfortunately existed for nearly a century; but as to any increase in the evils described, he did not believe it, because there were intelligent magistrates in British Columbia whose duty it was to report these things to the Government, and no such reports had been received by him. With reference to the Island of San Juan, the state of things was unfortunate, but no so bad as the noble Earl opposite (the Earl of Donoughmore) seemed to suppose. When the American Government placed an armed force on the island, and the matter was likely to lead to serious differences be-

tween the two countries, an arrangement was made, principally through the instrumentality of General Scott, for a joint occupation. Since the war, the American force had been entirely withdrawn; but negotiations had not proceeded, because the American Government pleaded that their hands were too full to give the matter attention. It was perfectly true that the island remained in dispute, but there was no danger attending the delay, and the delay was not attributable to the British Government.

LORD CHELMSFORD said, that it appeared that this was an entirely new Company, and he wished to ask whether the attention of the Law Officers of the Crown had been called to the question whether it was competent for the Hudson's Bay Company to make a transfer to a new Company?

THE DUKE OF NEWCASTLE said, he was only informed of the arrangement an hour before he came down to the House. He had not the smallest doubt himself of the perfect legality of the transaction; but as a noble Lord of the experience and legal ability of his noble and learned Friend had put the question, he assumed there were reasons for it, and he should deem it his duty to make inquiry before the discussion on the Bill was renewed.

*Motion agreed to: Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House To-morrow.*

House adjourned at a quarter before Eight o'clock.

## HOUSE OF COMMONS,

*Thursday, July 2, 1863.*

MINUTES.]—NEW MEMBER SWORN—William Walter Cargill, esquire, for Berwick upon Tweed, v. Edward Wingfield Verner, esquire, Lisburn.

SUPPLY—considered in Committee—EXHIBITION BUILDINGS—R.F.

PUBLIC BILLS—Considered in Committee—Election Petition [Advances]\* (No Report).

Resolution in Committee—Pilotage Orders Confirmation\*.

Ordered—Waterworks Clauses\*; Companies Clauses\*; Railways Clauses\*; Charitable Trusts (Ireland)\*.

First Reading—Landed Property Improvement (Ireland)\* [Bill 180].



*Second Reading*—Duchy of Cornwall Management (1863) (*Lords*) [Bill 182]; Removal and Punishment of Prisoners \* [Bill 194]; Public Works and Fisheries Acts Amendment \* [Bill 198].

*Committee*—Police and Improvement (Scotland) (Provisional Order) \* [Bill 184]; Militia Ballots Suspension \*; Election Petitions [Bill 186], *on re-committal—negatived*; Nuisances Removal Act (1855) Amendment \* [Bill 179].

*Report*—Police and Improvement (Scotland) (Provisional Order) \*; Militia Ballots Suspension \*; Nuisances Removal Act (1855) Amendment \* [Bill 203].

*Considered as amended*—Vaccination (Scotland) \* [Bill 139]—*re-comm., consid., reported* [Bill 202]; Stipendiary Magistrates \* [Bill 189].

*Third Reading*—Poor Law Board Continuance \* [Bill 163]; Loan Societies \* [Bill 185].

#### INDIAN ARMY PENSIONS.

##### QUESTION.

CAPTAIN JERVIS said, he would beg to ask the Under Secretary of State for India, Whether it is true that the pension of any officer late of the Indian Army has been stopped by the Indian Office on the requisition of creditors; and, if so, on what legal authority?

MR. T. G. BARING: Perhaps the hon. and gallant Gentleman will tell me the name of the officer to whom his Question refers.

CAPTAIN JERVIS said, he put a general Question, whether the pension of any officer had been stopped.

MR. T. G. BARING said, he should decline to answer the Question unless the name of the officer were given him.

CAPTAIN JERVIS would then ask the Question on Supply, when he would go into the whole case.

#### EUROPEAN CAVALRY IN INDIA.

##### QUESTION.

COLONEL SYKES said, he rose to ask the Under Secretary of State for War, Whether orders have been sent to India to reduce one troop in each or any of the regiments of European Cavalry on Service in India; and, if so, on what grounds?

THE MARQUESS OF HARTINGTON said, in reply, that on the recommendation of the Secretary of State for India it had been decided that a reduction should be made in the strength of the English Cavalry regiments serving in India. The ordinary strength of a cavalry regiment was eight troops. Up to the present time, however, it had been usual for a regiment serving in India to have nine troops—eight in India, and one dépôt troop at home. It had been thought that the best method of

reducing the strength of the Indian regiments was to reduce one troop in each cavalry regiment, thus making them of the same strength as the cavalry regiments at home.

#### POLAND—NEGOTIATIONS AT ST. PETERSBURG.—QUESTION.

MR. HORSMAN said, he wished to ask the Under Secretary of State for Foreign Affairs, On what day the English and French Notes were received at St. Petersburg; on what day the Austrian Note was received; on what day the several Notes were presented to the Russian Minister; and whether the British Ambassador was instructed to keep back the English Note till the Austrian Note arrived?

MR. LAYARD said, in reply to the several Questions of his right hon. Friend, he had to state that the English note left London on the 17th of June. The Austrian Note left Vienna on the 18th of June. The three Notes arrived at St. Petersburg on the evening of the same day—namely, the 21st. A meeting of the Representatives of the three Powers was called to agree as to the course to be taken. That meeting took place on the 23rd, and a request was forwarded to the Russian Minister for Foreign Affairs to appoint a day to receive the Notes. The day appointed by Prince Gortschakoff was the 27th, and on that day the Representatives of England, France, and Austria waited on the Prince and delivered the Despatches which they had received from their respective Governments. Prince Gortschakoff received those Despatches, and said he would refer them to the Emperor for an answer. No instructions had been given to the British Ambassador to wait for the arrival of the Austrian Note, but he was instructed to come to an understanding with the French and Austrian Ambassadors as to the day and mode in which those Despatches should be presented.

MR. HORSMAN said, he would be glad to know whether any further communication has been received from St. Petersburg since those Notes were delivered on the 27th, and whether the hon. Gentleman can give the House any intimation as to the probable period when the answer of the Russian Government will be received.

MR. LAYARD said, that no answer had yet been received from St. Petersburg, and that he could not inform the right hon.

Gentleman on what day the answer was likely to arrive. As soon as it was received, he would immediately lay it on the table.

#### DESTITUTION IN IRELAND.

##### QUESTION.

MR. BAGWELL said, he wished to ask the Chief Secretary for Ireland, if his attention has been drawn to the statements made in the public journals of destitution, amounting to starvation, prevailing in certain parts of Ireland; and whether the official communications he receives from the Poor Law Commissioners justify or deny the truth of such statements?

SIR ROBERT PEEL replied, that his attention had been drawn to certain statements by the correspondents of the public journals. They were not, however, wholly to be depended upon, for sometimes rather exaggerated reports were published. If his hon. Friend would be good enough out of the House to mention the source from whence he derived the particular Report to which he alluded, he (Sir Robert Peel) would attend to it; but he had received no communication from the Poor Law Commissioners of the existence of a destitution amounting to starvation. No doubt there were a number of small farmers suffering under distress. A good deal of distress existed, he was grieved to say, but he had not heard of any case amounting to actual starvation.

#### THE IONIAN ISLANDS—ANNEXATION TO GREECE.—QUESTION.

COLONEL FRENCH said, he rose to ask the Under Secretary of State for the Colonies, in what manner the desire of the inhabitants of the Ionian Islands to be annexed to the Kingdom of Greece is to be tested?

MR. CHICHESTER FORTESCUE said, that the obvious and most proper mode of testing the wishes of the inhabitants of the Ionian Islands was by dissolving the present Parliament and summoning a new Parliament, informing them at the same time by proclamation of the special object for which they were called together. His noble Friend (the Duke of Newcastle) was now in communication with Sir Henry Storks on the subject, so that he was at present unable to answer the Question of his hon. and gallant Friend.

COLONEL FRENCH: Has no proposition been made to test the desires of the inhabitants of the Ionian Islands, as it was done

in the case of Savoy and Naples, by universal suffrage?

#### THE GALWAY CONTRACT.

##### QUESTION.

MR. GREGORY said, he wished to ask the Secretary to the Treasury, whether the cause of the delay in the completion of the Galway Contract was with a view of throwing the Transatlantic Service as far as possible into the winter; and, if not, what are the causes of the delay? His reason for putting the Question in this shape was because the right hon. Gentleman had, on the 20th of June, written to the Chairman of the Company to get ready as soon as possible, and stating that the Lords of the Treasury had written to the Post Office Authorities directing the Draft Contract to be drawn up. He wished also to ask, whether the Contract of April 21, 1859, is to be adhered to without alteration or addition?

MR. PEEL replied, that he was not aware that the Government had furnished any grounds for the supposition contained in the hon. Gentleman's Question. On the 4th of May the Government informed the Galway Company that they were willing to renew the Contract of 1859; but it was not until the 15th of June that the Company announced their readiness to renew that Contract, which, however, they returned with very extensive modifications. On the 20th of June the Treasury instructed the Post Office to prepare the Contract, and on the 27th they received the Draft Contract from the Post Office, preparatory to its being sent to the Company. That Contract had since been returned to the Post Office. In answer to the second Question, he might state, that the Government would not do more than simply renew the Contract.

#### AFFAIRS OF POLAND.

##### QUESTION.

MR. BENTINCK said, he wished to ask the hon. Member for the King's County on what day he intends to bring forward his Motion respecting Poland?

MR. HENNESSY said, he believed that Earl Russell had stated in another place, that if a reasonable time should pass from the period when the proposals of Her Majesty's Government were sent to St. Petersburg without an answer being received, then the Papers would be laid before the House. He thought that a reasonable time

might now be said to have passed, and perhaps to-morrow or in a day or two the House would hear when the Government would lay the Papers on the table. He thought that when they were presented the discussion should arise.

#### BURLINGTON HOUSE AND THE KENSINGTON ESTATE.

##### QUESTION.

LORD JOHN MANNERS said, he rose to ask, Whether the Government will now state what appropriation is proposed to be made of the ground at Burlington House; and secondly, under what management the Exhibition Building is to be placed?

THE CHANCELLOR OF THE EXCHEQUER: With respect, Sir, to the first Question, Her Majesty's Government have never felt that they would be justified in making a distinct proposal with regard to the disposal of the ground at Burlington House, until the House of Commons has come to a positive conclusion with respect to the Kensington Estate. The second Question I shall have an opportunity of answering in submitting to a Committee of Supply the proposition of my noble Friend at the head of the Government with regard to the Kensington Estate?

#### THE CONFEDERATE STATES.

##### QUESTION.

MR. ROEBUCK said, he rose to ask the Government to appoint a day on which the Adjourned Debate on his Motion in favour of the recognition of the Confederate States might be resumed. He had been informed that the Government were inclined to give him Monday week; and, if so, he was willing to accept it.

SIR GEORGE GREY: My noble Friend is willing to give Monday week, if the state of business will allow it, but I would rather leave the final decision on the point till Monday next; when I hope the noble Viscount will be able to appear in his place in the House.

MR. BRIGHT said, he regretted that the Debate could not be resumed in time for the next mail. It was most desirable, with regard to the feelings of both belligerent parties, that the result should accompany the Report of the discussion across the Atlantic. He thought that it would have tended to promote good feeling, and that it would be disadvantageous to allow so many days to elapse before concluding the debate.

*Mr. Hennessy*

#### DETENTION OF THE "GIBRALTAR."

##### QUESTION.

LORD ROBERT CECIL said, he wished to ask the Secretary of State for the Home Department, Whether he is willing to lay upon the table, without reserve, all Communications with respect to the detainer of the vessel *Gibraltar*, which have passed between any Officer or Department of the Government and the Collector of Customs at Liverpool?

SIR GEORGE GREY replied, that the communication in question had been made, not to the Home Office, but to the Board of Customs. He did not think there would be any objection to lay on the table, if moved for, all the Correspondence that had taken place on the subject, not of course including the opinion of the Law Officers of the Crown.

#### AFFAIRS OF GREECE.

##### QUESTION.

MR. SEYMOUR FITZGERALD said, he asked a Question a day or two since relative to the surrender of £4,000 a year by this country to the new King of Greece, and was told by the right hon. Gentleman the Chancellor of the Exchequer that he should be informed in what shape and when the subject would be submitted to the House?

THE CHANCELLOR OF THE EXCHEQUER: On Monday next I shall give the information required.

#### MR. ROEBUCK AND THE EMPEROR OF THE FRENCH.—QUESTIONS.

MR. W. E. FORSTER said, he wished to ask two Questions of the hon. Gentleman the Under Secretary for Foreign Affairs of which he had given him private notice. Could the hon. Gentleman inform the House whether the statement made by the hon. and learned Gentleman (Mr. Roebuck) was true, that an application was made some months ago by the Emperor of the French to the British Government to join in an offer of mediation, which offer was communicated by Lord Lyons to Mr. Seward; and also whether there had been any recent communication by the French Ambassador in London to the Foreign Office respecting a proposition made by the French Government, in accordance with the statement of the hon. and learned Gentleman the Member for Sheffield?

Mr. LAYARD: Sir, the subject to which my hon. Friend refers is of so much importance, and is of so unprecedented a nature, that I shall venture to appeal to the House for its indulgence if, in answering the Question which has been put to me, I should say somewhat more than is generally allowed in answering a Question.

Mr. ROEBUCK: I object to that; but if you move the adjournment of the House, I will permit it.

Mr. LAYARD: I am, of course, in the hands of the House, but this is in the nature of a personal explanation. These are statements of fact; and if the House desires that I should move the adjournment, I will do so. Sir, the hon. and learned Member has risen in his place in this House, and, as he stated, in the name of a foreign Sovereign, has made to the House of Commons an accusation of the gravest nature against Her Majesty's Government. Sir, it is my duty to explain, in answer to that charge, what has really taken place. I appeal, therefore, with confidence to the House, and I think I can bring forward such facts as will show that the statement of the hon. and learned Member is unfounded.

Mr. ROEBUCK: I rise to order. I insist upon it.

Mr. CONINGHAM: The hon. and learned Member is not dictator in this House.

Mr. ROEBUCK: I rise to order, and my appeal to you, Sir, is this—that nothing should be said in this House upon a question which is already before it as a matter of debate, to which an immediate reply cannot be given.

Mr. SPEAKER: An hon. Member has risen and addressed a Question to the Under Secretary for Foreign Affairs. The Under Secretary is answering that Question. Nothing has occurred that is contrary to order.

Mr. LAYARD: Sir, the hon. and learned Member, in the name of a foreign Sovereign, has stated that the Government has been guilty, not merely of evasion—

Mr. ROEBUCK: Here, Sir, I rise again. I say now, Sir, that the hon. Gentleman is going beyond the fair right of an answer. He has accused me of having done something. He says I have accused the Government of being guilty of something. I say this is not the proper time for making a statement of that kind.

Mr. LAYARD: I venture to submit

that the question is of such grave importance that it does not admit of delay. [*Cries of "Question, question!" "Chair, chair!" "Go on, go on!"*] I shall limit myself most strictly to a statement of facts. It has been alleged by the hon. and learned Gentleman that Her Majesty's Government has been guilty, not only of evasion, but of untruthfulness, in not having communicated to the House and the country a communication received from a foreign Government; and that they have been guilty of a breach of confidence in communicating to the Secretary of State of a foreign country a despatch sent to them in confidence by another Power. I venture to say that these are grave imputations. I do not know whether I am in order, but the thing is so important that I would venture to state to the House the very words which were actually used.

Mr. ROEBUCK: This is a reference to a former debate.

Mr. LAYARD: I will answer the Questions that have been put to me very briefly. It has been asked, first, Has any communication been made to Her Majesty's Government by the French Government, inviting Her Majesty's Government to combine with the French Government in any proposed intervention, mediation, recognition, or interference of any kind? I stated on Tuesday night that no such communication had been made to Her Majesty's Government. I now repeat that statement without equivocation, in the broad sense of the word, that no such communication has up to this time been made. I mean, of course, since the communication of last November. I was blamed, too, the other night for not having stated that a communication had been made to the noble Lord at the head of the Foreign Office, who mentioned it in another place. The fact is, I was not at the time aware that such a communication had been received by my noble Friend, inasmuch as it was not delivered until late in the afternoon. I now repeat what has been previously stated, that Baron Gros, hearing that rumours were in circulation that the hon. and learned Member had stated that a communication had been made to Her Majesty's Government by the French Government, came to Lord Russell of his own accord, and stated that he had not received any communication on the subject for Her Majesty's Government, nor had he received any order to make a communication. I further say that Earl Cowley has no knowledge of such a com-

munication, and none has been made to him. I say, therefore, without equivocation, no such communication since last November has been made to Her Majesty's Government. I trust that will be satisfactory to the House.

Now, Sir, it is well known that M. Drouyn de Lhuys wrote a despatch proposing to Her Majesty's Government to invite the United States to claim an armistice, in order that terms of accommodation might be arranged between the contending parties in America. Although that despatch was dated the 10th of October, the communication was not made till the 10th of November. That despatch was read to Her Majesty's Government, but no copy of it was given. In the papers relating to North America, marked No. 1, which have been laid upon the table of the House, that despatch is alluded to and it is stated in the first paragraph of a letter from Lord Russell to Earl Cowley, dated November 13, that Count de Flahault came to the Foreign Office and read a despatch relating to the war in North America; but no copy of that despatch was given to Her Majesty's Government. A very unusual course, with respect to that despatch, was taken by the French Government, before Her Majesty's Government had sent an answer to the proposal. The proposal itself, which had not been communicated to Her Majesty's Government otherwise than by reading it, was published verbatim in the *Moniteur* of the 13th of November. I hold in my hand a copy of the *Moniteur* containing that despatch, and it is a curious fact that the published despatch ends by requesting Count de Flahault to read the despatch to Her Majesty's Government; but it does not say anything about leaving a copy of the despatch. The answer to that proposal, in the shape of a despatch to Earl Cowley, was sent off on the 13th of November, the very day on which it was published in the *Moniteur*. The answer was delivered to M. Drouyn de Lhuys on the 14th; but it was considered so important that the whole truth should be known, the French Government having taken the unprecedented course of publishing their despatch before receiving the reply of Her Majesty's Government, that Her Majesty's Government decided on publishing the answer on the same day it was delivered, and accordingly the answer appeared in the *Gazette* on the 14th. The French Government explained why they had published the despatch.

*Mr. Layard*

They stated that various rumours were abroad that the facts were very much exaggerated, and they thought it necessary to enlighten the public mind on the truth. Well, on the 15th, the day after the publication in the *Gazette*, the following despatch was sent, with our published despatch, to Mr. Stuart, who was Chargé d'Affaires at Washington, but it was received by Lord Lyons, who by the time it had arrived out had returned to his post—

"Lord Russell to Mr. Stuart.

"Foreign Office, Nov. 15, 1862.

"Sir,—I inclose for your information a copy of the *London Gazette* of last evening containing the answer returned by Her Majesty's Government to a proposal from the Government of the Emperor of the French that the Governments of Great Britain, France, and Russia should jointly propose an armistice to the contending parties in North America."

That is all that was stated. No copy of the French proposal was sent, because Her Majesty's Government had not one at that time in their possession. Well, Sir, on the 28th of November Lord Lyons wrote to Earl Russell—

"The intelligence that France had proposed to Great Britain and Russia to join her in advising the belligerents in this country to agree to an armistice reached New York by telegraph from Cape Race on the 25th inst. The substance of your Lordship's answer was received at the same time. Yesterday the text of the French proposal, of your Lordship's answer, and of the principal part of the Russian answer, was forwarded to New York by telegraph from Halifax."

I may say that all the papers of the United States had got the entire text of the proposal and answer, and both were extensively commented on, and awakened a great deal of interest and excitement throughout the United States. M. Mercier the French Ambassador at Washington, had received a copy of the despatch of M. Drouyn de Lhuys on the 22nd, but did not communicate it. But on the 25th, the day of the arrival of the telegram, M. Mercier himself went to Mr. Seward and communicated to him the text of the proposal of the French Government. So cautious had Lord Lyons been, that he never broached the subject to Mr. Seward; and if hon. Members will refer to the papers which I have quoted, they will see a despatch from Lord Lyons on the 2nd of December, in which he says the first time Mr. Seward had spoken to him about the French proposal was the 1st of December—

"Mr. Seward, without my having in any way led to the subject, spoke to me yesterday of the proposal made by France to Great Britain and

Russia to unite in advising the belligerents in this country to agree to an armistice."

I hope the House has followed me as regards dates. What I have stated will, I think, prove this—First, that it was not the English Government that published the proposal, but the French Government published their own despatch before we answered it; secondly, that it was not Lord Lyons but M. Mercier who communicated to Mr. Seward the copy of the proposal; and thirdly, that it was Mr. Seward who spoke first on the subject to Lord Lyons, and not Lord Lyons to Mr. Seward. Having given this explanation, I will add nothing to these facts, but I will leave it to the House and the country to draw their own conclusion.

**MR. ROEBUCK:** I wish to ask another Question of the hon. Gentleman, and that is, whether an application was not made by the French Government in the early part of the spring, between February and April, very much to the same effect, and whether the transaction to which I referred was not that application?

**MR. LAYARD:** Sir, I have requested every search to be made in the Foreign Office for every despatch on the subject. Every despatch, I believe, has been looked over, but I can find no other except those I have named.

**LORD ROBERT CECIL:** Was there any verbal application?

**MR. LAYARD:** I have stated to the House what is my solemn conviction on the entire matter.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### THE INTERNATIONAL EXHIBITION BUILDING.—NOTICE.

**THE CHANCELLOR OF THE EXCHEQUER** thought it would be for the convenience of the House if hon. Members having Amendments on the business paper to the Motion of Supply, would not press them, but allow the House to go into Committee of Supply at once, so that a decision might be come to relative to the purchase of the Great Exhibition Building.

**MR. M'EVROY**, who had a notice on the paper on the subject of the depressed condition of Ireland, expressed his determination to persevere with it; but ultimately postponed his notice on being informed

that Supply would be again moved by the Government both to-morrow and on Monday.

**SIR HENRY WILLOUGHBY** said, that the entire amount of the expenditure necessary in connection with the purchase of the Great Exhibition Building was £484,000. On a previous occasion an Estimate to the amount of £172,000 in respect to one item was laid before the House; but the noble Lord at the head of the Government suddenly, and without notice, proposed to take merely the sum of £67,000. He had called the attention of the Chairman of the Committee to that course of proceeding, but the Chairman said that it was in order. He, however, wished to submit to the House that it was not in order that the House should be deprived of the opportunity of giving an opinion on the whole item; and he therefore now asked whether it was competent for the Government to place on the table an Estimate for £172,000, and then suddenly, and without a single word of notice, take a Vote on a smaller sum. The consequence was, that the House was deprived of the full and fair opportunity of giving a Vote on the question to which it was entitled. He had searched the Journals, and believed that the case was quite unparalleled. The Government ought to be bound by the Estimates which they submit to the House, and ought not to shift their ground. He wished, therefore, to ask the Speaker, whether it was competent for a Minister, having given notice of a Vote for £172,000, consisting of no matter how many items, to take a Vote on a particular item, and to postpone the rest.

**MR. SPEAKER:** In my judgment, there is nothing contrary to the rules and orders of the House in the course pursued by the Government. I am confirmed in that view by the circumstance that on the occasion when the question arose, the Chairman of the Committees of Supply expressed the same opinion. An opportunity of questioning the proceeding was afforded on the Report of Supply, but no objection was made, and the House confirmed the Vote. In my opinion, therefore, there is nothing irregular in what has been done.

#### SUPPLY—THE EXHIBITION BUILDINGS.

SUPPLY considered in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £105,000, be

granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1864, for the Purchase of the existing Exhibition Buildings at Kensington Gore from the Contractors, and for repairing, altering, and eventually completing the said Buildings."

**THE CHANCELLOR OF THE EXCHEQUER:** Sir, I rise to propose a Vote of £105,000 for the purpose of purchasing the building at Kensington lately occupied for the Great Exhibition, and of commencing operations with a view to fitting a portion of it for certain purposes. I wish at the outset with great earnestness to submit to the House a two-fold request, of which, under the circumstances, I have no doubt the equity will be acknowledged. In the first place, I have to ask the Committee to endeavour to look at the question as a dry matter of business, and, on my own part, I shall do my best to abstain from importing into it any other matters. My other request is, that the Committee will be good enough to hear me out, if they have the patience to do so, before forming a judgment on what I have to say. I shall begin by trying to reduce the issue to its simplest form, and to place before the Committee as clearly and fully as I can what is the nature and what is the extent of the discretion which we seek, and by what restrictions we propose to continue bound. As a matter collateral to that issue, I ought to state for the full information of hon. Members, that if the Vote we ask be granted, I shall give notice of a Motion for leave to bring in a Bill to authorize the separation of certain of the collections in the British Museum. I presume that the House, by the Vote it has already passed, has evidently contemplated and admitted such a separation. At the same time, it would be useless for us to ask for authority to give effect to the judgment of the House unless we were really in a position to carry it out. It will also be necessary for us, whenever any Motion is taken for providing at Bloomsbury or elsewhere for the Natural History collections, to propose a separate Estimate with a view to the rearrangement and enlargement of the British Museum on its present site, so as to afford the greatest possible amount of accommodation.

The next point on which it is necessary to clear the subject from misapprehension is one referred to in a question put to me by my noble Friend opposite before Mr. Speaker left the Chair. My noble Friend

opposite inquired what provision we are going to make for the control and management of this property in case the House should sanction its purchase. That is a matter which Her Majesty's Government has carefully considered. We felt that we are asking the House to make a purchase of a very important character, one not required simply for the purposes of any particular department, and one with regard to which we, of course, knew that much difference of opinion would have to be encountered before all the arrangements could be concluded. It was therefore the judgment of the Government—which I trust will be satisfactory to the noble Lord and the House—that the management of the property, the distribution of space, and perhaps even the legal possession, should not be placed in the hands of any subordinate department or any body having only a partial responsibility. The Government, therefore, decided to announce to the Committee that it is their intention to vest the possession, control, and management of the estate and building, if acquired, in the Treasury, in order that the responsibility may be as direct and summary as possible, and that any question concerning it may be addressed at once by any Member to the head of the Government. I need not say, therefore, that neither the Office of Works nor the Department of Science and Art, far less any body irrespective of the Government, will have any control over the property, but the Prime Minister will hold himself directly responsible to the House of Commons for its management.

Sir, I now proceed to a very irksome portion of my duty—a portion, indeed, on which nothing but absolute necessity would ever have induced me to enter, but I have no choice. My hon. Friend the Member for Galway (Mr. Gregory), in his able speech the other evening, occupied a full half-hour or more with expressing the very deliberate and definite opinion of a gentleman whose name up to that time had not reached my ears, but that of course argued my obscurity and not his—I mean Mr. Mallet. There is no royal road, it is said, to learning; but if ever any gentleman found a royal road to immortality, it is Mr. Mallet, whose individual views were made to form the almost entire substratum of my hon. Friend's able speech, and a ground for rejecting the Reports of responsible and experienced officials and the carefully-weighed conclusions of the Govern-

ment. The House was asked to set no account on the days and weeks the officers of the Government have spent in investigation of the subject, but to accept in their stead the volunteer information afforded by Mr. Mallet. It was my duty therefore, after the House of Commons was required to come to a very important resolution on the credit of Mr. Mallet, to make inquiries and obtain information respecting him. My hon. Friend said that he was a very eminent engineer, who, under Sir Charles Barry, drew up the plans of the Houses of Parliament. [Mr. GREGORY: I did not say that.] That is the statement as reported. [Mr. GREGORY: It is incorrectly reported. I said he drew up the working plans.] At least, then, I understand my hon. Friend to say that he is an eminent engineer and was engaged under Sir Charles Barry. That is enough for my purpose. Mr. Mallet, I have ascertained, is a very ingenious and clever gentleman. He is well known to the world at large by the production of a work on earthquakes. Now, if the question concerned the destruction and not the construction of a public building, I, for one, should not hesitate to say that a gentleman who had profoundly considered the operation of earthquakes would be a good authority. Mr. Mallet is also known as the inventor of a certain great mortar, which may now be seen lying in the yard at Woolwich. I do not think it an indication that Mr. Mallet would be a safe guide for the House on the score of expense when I say that the ingenious mortar, after having been tried on three or four days, having required repair every day after trial, and having cost the country some £12,000, ended by lying in the yard at Woolwich. I do not ask the Committee to take any of this on my word. I invite the hon. Member for Galway to move for the production of the whole of the correspondence relating to the trial of this mortar. ["Question!"] Well, surely this has to do with the question of Mr. Mallet's experience. [Mr. BERNAL OSBORNE: It was Lord Palmerston's mortar.] Well, I come now to the direct statement of my hon. Friend. That statement was that Mr. Mallet is an eminent engineer, who, under Sir Charles Barry, has been employed in the erection of the Houses of Parliament. After hearing the speech of my hon. Friend I endeavoured to find out what I could of the biography of this gentleman. The hon. Baroness the Member

for Finsbury (Sir Morton Peto) said he did not know him. My hon. Friend the Member for Bath said he did know him, and that he drew all the working plans of the Houses of Parliament. [Mr. TITE: Not exactly.] Then I withdraw the observation. Naturally enough, the contractors in this case, who were used not very mildly, though as mildly as other people, by Mr. Mallet, have made some inquiries about him, and I hold in my hand two rather curious letters illustrative of the statement on which my hon. Friend rested his case. One is from Mr. Banks, well known as an eminent architect, and senior partner in the firm of Banks and Barry. He writes as follows:—

"June 19.

"My dear Sir,—In reply to your question as to Mr. Mallet's connection with architectural or engineering works at the new Palace of Westminster, I can most confidently assert that that gentleman was in no way, either directly or indirectly, ever engaged on those works. I can speak with confidence from the fact of having been in connection with the late Sir Charles Barry, as his chief assistant, from before the commencement of the building and for thirteen years of their progress, and since that time having been in partnership with his son. I have also found from Mr. Quarm, who was the chief clerk of the works for a number of years, and until the completion of the building, that Mr. Mallet was simply an occasional visitor for his own gratification, and for no other purpose.

"I remain, my dear Sir, yours very truly,

"ROBERT R. BANKS.

"Charles Lucas, Esq."

That is the first part of my answer to the hon. Member for Galway. I know, however, that the hon. Gentleman is very sceptical, and therefore I have another authority for him. Mr. Meeson writes as follows:—

"In reply to yours, I have to say that my connection with the Palace of Westminster commenced in 1844, when I was engaged by Sir C. Barry as his principal assistant, and from that time had intrusted to me the whole of the constructional drawings and details of that building and the machinery, &c., connected with it, until I was appointed engineer in charge of the Palace, that appointment terminating in 1856, and during all this time Mr. R. Mallet had no connection with the building. As you know, about April 1861, I was applied to respecting the International Exhibition building, when, at the request of the Commissioners, I undertook the consideration of, and the making, the whole of the structural and detail drawings of that building from the foundations, superintending the execution thereof so far as was requisite; and I have to assure you that the constructing the building strong and secure in every part was my most anxious endeavour."

My hon. Friend the Member for Galway



has said that Mr. Mallet was of extraordinary eminence as an engineer. This is a matter of opinion, and far be it from me to question the judgment of such a well-known arbiter of taste in this House; but it appears that Mr. Mallet was not employed in connection with Sir Charles Barry in the erection of the palace in which we sit. This is really a very serious matter in connection with the statement which the hon. Member for Galway admits himself to have made. I can explain his mistake in only one way. He says that Mr. Mallet was connected with Sir Charles Barry. It does appear that at one time Mr. Mallet had a partner named Mr. Frederick Barry, and I apprehend the hon. Member has fallen into the slight error of confounding Mr. Frederick Barry with Sir Charles Barry, and probably also Mr. Mallet with Mr. Meeson. At any rate, what I claim is that the authority of Mr. Mallet shall be wholly and absolutely withdrawn from this discussion.

But I must go on to other matters. I wish to explain to the Committee the meaning and intention of the Government in the submission to the consideration of hon. Members of certain estimates and figures prepared by Mr. Hunt. I have not one word to retract with respect to those figures. I believe that upon examination by competent and responsible persons they have been entirely confirmed. Nor have I a word to qualify with respect to the eminent position of Mr. Hunt in his business; but I wish to explain to the Committee what I think has been seriously misunderstood. Not unnaturally, but inconveniently, it has been supposed that in placing these figures before the Committee it was the intention of the Government to announce that they had a formed and perfected plan for dealing with the Exhibition building, and that their desire was to secure the assent of the Committee to that plan. Nothing could be further from the truth. You may perhaps ask what was our object. Our object was this. We were inviting you to purchase a building that had been erected for temporary purposes as to great parts of it, but for permanent purposes as to some portions of it, and with respect to the whole of which, on account of its magnitude and the uncertainty of various elements embraced in the question, it was our absolute duty to endeavour to furnish hon. Members with some guide in such inquiries as they might make. We took the simplest course available to us. We employed the most com-

petent man we knew to inquire what would be the sum necessary to bring the building to a state of substantial repair with a view to permanent uses, and the minimum of decoration for the purpose of completion. But we were not so foolish as to suppose that we could cover seventeen acres of ground in a fashion settled in a room at the Treasury by means of some hours' conversation with a surveyor, however eminent he might be. The estimate of Mr. Hunt was simply intended to serve as a general guide to the minds of hon. Members on the question of expense. It was a perfectly trustworthy guide for the purpose to which it was addressed; but we had not the presumption to suppose—it would have been an idle dream on our part to have supposed, recollecting how this building had been erected, the measures taken to obtain competition among architects, the time that had elapsed, and the large funds that had been bestowed with the view of having the greatest talent employed in its construction—that these figures could be accepted as anything more than a basis of ascertaining for what sum the building, or different parts of it, might be brought to a state of completion sufficient for practical purposes. I am sure hon. Members will do me the favour and justice to understand that it would not have been ingenuous on our part if we had not presented these figures. We were bound to present them, and to present them in a printed form, with a view to the fullest information.

Well, Sir, a Petition has been presented to this House by the Society of Architects against the adoption of this building. I shall not attempt to follow the allegations of that Petition, and mainly for this reason, that, as the Committee will observe before I have done, by far the greatest portion of them are beside the purpose of the Vote which I invite the Committee to give to-night, even although the time might arrive when they would require to be taken into consideration. But I demur altogether to an opinion formed on a single visit by six or eight gentlemen, even if they were the heads of their profession, to inspect a vast building. I believe I am right in saying that that opinion was formed on a single visit. I do not wish to make any invidious comments, or to read out the names of the petitioners, but I must say the Petition is far from containing the names of the heads of the profession. I admit that Mr. Donaldson is a man of eminence as a

practical architect, and that Mr. Ferguson has written an ingenious book, and is a clever, excellent person: but I am not aware that the latter—I do not wish to speak of him with disparagement—has ever erected a public building as a practical architect. I shall not continue these comments, which are very painful whenever they assume a critical character; but I may be permitted to observe that the Petition of the Society of Architects was not founded upon any report from such men as Mr. Hardwick, Mr. Cockerell, Mr. Smirke, Messrs. Banks and Barry, and Mr. Scott. Although I have not thought it my duty to go about canvassing architects, I am in a position to say that these gentlemen, who are in the main—not alluding, of course, to any Member of this House—the heads of their profession, are not in any sense parties to this Petition. Indeed, I have in my possession letters, not sought for by me, from two of them—Mr. Smirke and Mr. Scott—referring to that which is, perhaps, one of the sorest parts of the whole case—namely, the exterior decoration, and giving it as their deliberate opinion that the building is capable of being so embellished on the exterior surface as to be made a very handsome structure. After that manifestation of scepticism, and to show that I have not overstated the case, I may be permitted to refer to the letters themselves. Recollect, however, that I do not intend to indulge in any enthusiasm about the building. When I used the expression “a very handsome building,” I used an expression meant to be general in its terms. Mr. Smirke writes, “I am now prepared to say that the outside of the Exhibition building is quite susceptible of being made extremely ornamental.” These words go beyond the expression I used. Mr. Scott does not speak so strongly. [*Cries of “Read!”*] I am unwilling to trouble the House with long extracts, but the hon. Gentlemen who cry “Read!” will see from the letter of Mr. Smirke that I have not overstated the case. I have no wish to enter into the question between cement and stone, brick and terra cotta. No Chancellor of the Exchequer pretends to taste; he cannot have any; and the last thing he could dream of would be to put himself in competition with those great lights and luminaries of whom we are so fortunate as to have many among us. But what I say is, that the exterior of the Exhibition building is an exterior which, in the judgment of the two eminent architects I have named,

may be brought to a satisfactory condition and appearance.

The next point to which I wish to call the attention of the Committee is the situation of difficulty in which we shall be placed—and I greatly doubt whether what I have to say on this subject will excite the risible powers of hon. Members—the situation of difficulty in which we shall be placed if, having taken the important step of purchasing seventeen acres of land we should stop short, and say we will do nothing more, because that really is the proposal. [“No, no!”] The proposal is that we are to do no more than that, but to trust to our rhetorical powers and the powers of the law for the purpose of getting the ground clear, and then embarking in a sea of adventure for buildings. It is not for me to enter into the details of this part of the subject. It is not for me to put arms in the hands of those with whom we may have hostile relations. As a public officer, my desire is not to say one word which can in any case be injurious to the public interests. But this I have to say—for it is only what is patent and manifest—that there is no obligation whatever of a written and specific character upon the contractors to remove the building within a given time, or to remove it at all. [“Oh!”] Of course, my hon. Friend is aware that there are obligations incumbent upon them by the general law, which give us, as the possessors of the freehold, the right to go into a court of justice and question the proceedings of the contractors as to the rate at which they are removing it—to eject them, perhaps, after all the resources of the law have been exhausted in opposing us; and the remedy is this—and a pleasant remedy it is—to remove the building ourselves, being answerable to the contractors for the wisdom and propriety of our proceedings. [“Oh, oh!”] Well, if I am wrong, there are many hon. and learned Members here who can contradict me, but I wish to assure the Committee that I am not speaking simply upon my own authority on this point. I understand that we have the right to bring an action of ejectment—that if we eject the contractors, we may enter, and having entered, may proceed to remove the building, but that we remove it subject to the obligation of making no unnecessary waste of the property, and of accounting to the contractors for the net proceeds. That is the remedy, and it will be no very summary operation. There are hon. Gentlemen present who know pretty

well at what time, by a series of hostile measures, we shall succeed in ejecting the contractors, in taking down and removing the building, and also in restoring the surface, which I am told is no part of the obligation of the contractors. But what is then to happen? Two years hence perhaps—whether that is a sanguine estimate or not I am not prepared to say—we should find ourselves in possession of a *tabula rasa* of about sixteen acres, with the exception of certain buildings which we have already bought, and to which I shall refer by-and-by. I want to know what would then take place. We should have to face a greater architectural question than this House has ever yet been able to face—namely, how to dispose of a site unprecedentedly large, what buildings to place upon it, what architects to employ, what styles to adopt, and last, but not least, what monies to vote for the purpose. [*Ironical cheers.*] I think I can interpret those cheers of the minority. The minority are entitled to cheer, but they should recollect that they cheer, not in opposition to me, but in opposition to a Vote come to by this House. But may I not fairly request even that minority to forego for a moment the pleasure of gloating over their own forethought and wisdom, and endeavour by a strong effort of patriotism and self-sacrifice to place themselves in the position which the House of Commons has assumed, and which the Government has held all along? I am not taunting this House, which has, I believe, done wisely, I am only seeking to point out the course that is best under the circumstances in which we stand, and which involve the possession of a site of sixteen acres at South Kensington. In my opinion, nothing could be more embarrassing than the position which the Government and Parliament will occupy when, at the end of those years which must elapse before we attain to the blessing of a clear stage and no favour at South Kensington, we set ourselves to consider what plans should be adopted for covering this vast site; and when, during all the delay that must take place, we have to encounter the just and even indignant claims of inventors calling for a Patent Museum; and to deal also with a growing inconvenience, almost amounting to a scandal, of the present state of the British Museum; while likewise the pictures of the National Portrait Gallery must remain so buried in an obscure house in George Street that for the nation at large that gallery cannot be

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said to have a real or practical existence. That is one of the alternatives before us if we refuse this Vote; and I have, I think, in some respects under-stated its disadvantages.

But I have still two other questions to deal with; and I shall be obliged to the hon. Member for Liskeard, or other hon. Gentlemen, should I seem to speak ambiguously, if they will give me an opportunity of making plainer what I have to say; for the wisdom of our proceedings to-night will depend upon whether the Committee has a right comprehension of that which we have to lay before them. An impression appears to have existed that we intend to offer the contractors an extravagant price for the building. I wish to tell the Committee exactly what has taken place in regard to this point. Assuming that we have purchased the site, and that we want to have buildings upon it, what is the principle on which we should negotiate for a structure like the one now standing there? I am entitled to say, that after the purchase of a site of seventeen acres, it will be requisite that there shall be buildings upon some part of it. We (the Government) think that either the building already there, or certain parts of it, are well suited for public purposes. We go to the contractors and wish to deal with them. There is immense advantage in adapting buildings already on the spot, if suitable, instead of destroying the old and erecting new ones. If that advantage exists, we ought to consent to some division of it between both the parties. That is the principle on which every man of business conducts his private affairs, and that is the principle on which we have thought it best, in common fairness, to proceed. We therefore first resorted to the best means of ascertaining what is the net removable value of the existing building. That term is well known to all Gentlemen conversant with such matters. It means, I apprehend, what the parties can make of the materials of the building after they have paid the expense of removing them from the site. But, as we do not intend to remove the buildings, but propose to make great use of some of them as they stand, and as, at any rate, the materials of the buildings are on the spot already, it is obvious that they are worth a great deal more to us than they would be to a person who seeks only their removable value. We therefore determined to give a fair premium to the contract-

ors upon the net removable value. The Committee shall know everything which took place. The first price announced by the contractors as the minimum was £120,000, and we were informed that we might take the building at that price or leave it to them. I am not complaining that the contractors made any extravagant demand. It must be recollected that the sum they received for the building was £230,000, and that the cost of it as estimated was £350,000; and as estimated by Mr. Fowler, when reduced to a minimum, was somewhere about £300,000. Far be it from me to say a word against the contractors. They are, I believe, gentlemen of the highest character and position; but that was their demand. We refused that demand. They took some time to consider, and then announced £100,000 as the absolute ultimatum they would offer to us. We, of course, refused that proposition. Subsequently Messrs. Kelk & Lucas made a communication to the hon. Member for Finsbury (Sir Morton Peto), whose reputation does not, I think, require any vindication or description from me; but as there are often communications in trade which do not appear, I may say that I believe my hon. Friend to be as devoid of any shade or shadow of connection with Messrs. Kelk & Lucas, in reference to this building, as any Gentleman who sits in this House. My hon. Friend wrote to inform me that he was in a condition to negotiate with me on their behalf, and it was agreed that the first thing I ought to do was to ascertain from some party friendly to the Government the net removable value. Mr. Hunt was employed, and desired to devote his time without reserve to ascertain the net removable value, which is a matter always liable to variation, but to variations lying within a certain margin. He went to work, and spent some weeks in the careful examination of this question, which other gentlemen have been able to dispose of in what is called a cursory view. Mr. Hunt reported to me that the removable value of the buildings, assuming that the contractors were compelled to remove them in six months, and to make forced sales of the materials, would be £48,000. I asked Mr. Hunt this question, "Can you guarantee to me that if we say we are dissatisfied with what has been offered to us, and if we claim to go before an impartially-chosen umpire, that that umpire will give us a sum either below £48,000 or a sum not

materially above that amount?" Mr. Hunt's answer on the moment was, "I can give no such assurance." Therefore it would have been foolish for us to propose any such sum. Mr. Hunt's estimate of the removable value was likewise taken upon conditions which do not exist. His calculation assumed that the contractors were bound to pull down the buildings post-haste, and sell the materials to whoever might first offer.

I hope I have shown the Committee that the contractors are not under obligations to remove the building within a given time. ["No, no!"] I am sorry that I have not so conveyed myself; for though the matter is rather complicated, such is actually the fact. The Commissioners of 1851, who are the owners of the ground, are not in direct relations with the contractors. The Commissioners of 1851 have an arrangement with the Commissioners of 1862, which might be considered to be a contract of removal, but I am advised that it is not a contract now available; and even if it were, the Commissioners of 1862 have no contract whatever with the contractors as regards the time within which they are bound to remove the building. [*Laughter.*] I am sorry this excites the mirth of hon. Gentlemen, but I am endeavouring to give a dry statement of the facts; there is no rhetoric, no figure of speech when I say that no engagement has been entered into by the contractors for the removal of this building. The question which was asked, I think, by some of the public journals—why do not the Government produce the contract?—is answered by the fact that we have no contract to produce. Mr. Hunt having made the report which I have stated as to the net removable value, it became evident that the naked figures stated by him must be considerably extended if we meant to have the building at all. I ventured to ask that gentleman, "Having discharged your official duty, Mr. Hunt, I wish now to know from you, as an individual conversant with transactions of this kind, what would be a fair price between man and man. I have no wish to bind you by your answer, neither ought we to be bound by it, but I wish to know what you would think a fair offer for us to make to the contractors." He said, "If you want to have the building, I think you should offer from £90,000 to £100,000." I said, "We can't do that; I think the Government may venture to go to a sum of £80,000, but we will not go a shilling further." That state-

ment, of course, became known, and my hon. Friend the Member for Finsbury—no mean judge of the value of materials—communicated with Messrs. Kelk and Lucas, and that hon. Member has recorded his opinion, that taking their own time in the disposal of the materials, Messrs. Kelk and Lucas could from other sources have realized a larger sum. It is remarkable how closely the estimate of Mr. Hunt is corroborated by that of Mr. Fowler. It is not necessary that I should acquaint the House with the character and position of a gentleman, who, if not the very first, is certainly one of the very first engineers of the age, and has lately executed a work in the metropolis of infinite value to the inhabitants, and sufficient to give him a secure immortality in his profession. Mr. Fowler valued the buildings, if the contractors had only nine months to remove them, at £50,000; if eighteen months were allowed, at £60,000; and if additional time were at their disposal, at between £60,000 and £70,000. But he stated, that in order to secure the advantage of retaining them, we ought to give some moderate premium. The limit of the purchase-money, including that premium, we have fixed at £80,000; and the hon. Member for Finsbury, an impartial judge, who was himself connected with the Exhibition of 1851, and has a public part to play in the country, declares that to be the actual value.

I now approach the last portion of the statement with which it is necessary that I should trouble the Committee, and I ask the patience of hon. Members while I make it. I do not scruple to say, that in my opinion, it is the duty of the executive Government in dealing with a question of the acquisition of a great mass of public property, to have the utmost regard, not only to the approved conviction of the House of Commons, but even to the prepossessions in which they may not entirely share. We have considered how far it is possible for us to meet the views entertained on this question. This is our position. We have got to provide for three urgent public wants. The first of these is a National Portrait Gallery. [*Laughter.*] I never said that the want of a National Portrait Gallery was one on which the existence of the State depends; but the National Portrait Gallery at this moment is a discredit, and not a credit to the country. If you have got a National Portrait Gallery, persons ought to be able to go and

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see it. [Mr. CONINGHAM: It is closed five days in the week, I think.] The Gallery is at present contained in a house in Great George-Street, where you could not have ten persons in any one of the rooms at a time—if they were ladies, not five. A National Portrait Gallery, therefore, is wanting, if we speak of art as a great public interest, as I, for one, believe it to be. Another urgent want is a Patent Museum. The Commissioners of Patents, who are the great authorities on this subject, have been pressing the Treasury; and I wish to apprise the public, that unless measures are taken rapidly at Kensington, a sum of £200,000 must be spent in building a Museum elsewhere. The third want arises from the state of the Natural History collection at the British Museum; and that, I believe, is admitted to be urgent. I appeal to my noble Friend below the gangway (Lord Elcho), whom I see assuming the most hostile and severe aspect of which he is capable, what means have we of satisfying, within any measured or definite time, those three urgent public wants, except by a portion of that site at Kensington. We desire to satisfy those wants. We desire, at the same time, to meet the wishes—I will even say the prejudices—of the House of Commons; and to bow, as far as we can do so consistently with what we feel to be our duty, to the views entertained by hon. Members—not criticising those views too closely, but feeling confident that a little time will soften down any opinions adverse to the building which may now be entertained. I hope that is not an unfair basis on which to rest the proposal I have to make. We have considered in what way those urgent public wants can best be satisfied, and I hold in my hand the means [a coloured ground plan of the building on a large scale] of rendering intelligible to every Member of the Committee the mode in which we propose to proceed. Public opinion is adverse to the total destruction of the picture galleries. [*Cries of "Hear, hear!" and "No, no!"*] Well, they have at least obtained a considerable amount of approval and admiration; and our proposal, I admit, involves the maintenance of those galleries. We do not ask you to come to any conclusion as to the exterior; it is not in the slightest degree necessary to touch that at present. We propose that it, along with some other questions, should stand over for your free discussion upon the Miscellaneous Estimates in Committee of Supply. We

ask you to give us the authority necessary to meet the wants I have described. The ground floor of these galleries would afford not a superfluous, nor, for a long time, a very ample accommodation as a museum for patents, but the accommodation for that purpose would be princely and magnificent compared with what now exists, and ample breathing time would thus be given for considering other questions involved. The first thing we seek is liberty to deal with the interior of the building, defined by the walls marked black on this plan, with the simple appendage of the staircase. The other request has relation to the northern part of the building; and here it is necessary that I should give explanations which we purposely withheld the other day in order not to lengthen the discussion. In the £120,000 which we have given for the seventeen acres of land, there is included a set of buildings looking towards the Horticultural Gardens, and forming a very large portion of the northern front of the structure. The cost price of that portion may be taken at £30,000; no inconsiderable addition to the property we have acquired at a very moderate rate. Now, speaking with a humility I can hardly describe, I have understood that this façade is considered to be unobjectionable. ["Oh, oh!"] Hon. Gentlemen say "Oh!" Well, I frankly own that I believe what I have ventured to submit is an opinion shared by many. At any rate, you cannot deny that it is of a totally different character from other exterior portions of the building to which objection is taken. It is connected entirely with the Horticultural Gardens. We propose to preserve that façade. We ask leave not to deal with the exterior building at all, but to deal with the galleries for the purpose of picture and the patent museum, and so much of the three or nearly three acres adjacent to the Horticultural Gardens, but not touching any portion of the eastern fabric, and only taking the preliminary measures to deal with what may be requisite for the purposes of the British Museum. The exterior of the building will remain as it is pending the declaration of the pleasure of Parliament, and it will be for you to consider what Government, what Committee, or what Commission—if you are very fond of Committees and Commissions, and very sanguine of the results they have yet attained—you will be left perfectly free as to what measures you may afterwards take. [Lord ROBERT CECIL: Does the right hon. Gentleman begin by buying?] Oh, yes. I

said I rose to propose a Vote of £80,000 and £25,000 for preliminary adaptations. I am now speaking of what is to be distinctly understood. There is no written contract on the subject. But we take no discretion as to any question affecting the exterior of the building. We propose to proceed on the presumption that the galleries are to be preserved, and the northern façade, towards the Horticultural Gardens, is in some manner or another to be preserved, subject to future consideration, and that we may proceed with the 2½ acres in immediate juxtaposition with it for the purposes of the British Museum. The effect of that will be that we give over to the future the domes; we give over to the future 12½ acres of ground. We ask authority to proceed on 4½ acres of ground. You will perhaps say that we stated that the immediate wants of the public amounted to about eight acres. That is quite true; but when I now speak of what is immediate, I speak of what will last perfectly well for two or three years, while further questions may be adjourned. I need not refer again to those general statements that were made either by my noble Friend or myself on a former night, because those were statements that we thought ourselves bound in fairness to submit with regard to the disposal and completion of the building as a whole. We could not enter into details as to the building when we were dealing with the ground, and you will now understand within what limits we ask you to give us possession with regard to the building. With regard to the finances I will state them with perfect precision, or something approaching to it, by means of the proposal I have formed. The fabulous story of water accumulating under the building is ludicrously the reverse of truth. I believe there is some pool of water under this House, but under that building there is one of the driest surfaces, I believe, in London. As to the permanence of the galleries, I need not dwell upon that subject, after the report, not only of Mr. Hunt, but of Mr. Fowler. I make a debtor and creditor account. We have to pay £120,000 for the land, and for buildings on a portion of it, which cost £30,000. We have to pay the contractors £80,000. I have endeavoured to ascertain what would be the cost of adapting the buildings to the purposes I have described. That cost would be £90,000. The total I ask your approval to contemplate paying is £290,000. You must look to the alternative of having

a *tabula rasa* with seventeen acres, on which to provide buildings for the British Museum. You have got an estimate of that building. The cost of building for three acres would be £240,000, or nearly the whole sum I ask. What are we to receive for this? We are to receive land worth £250,000. That is a low estimate of the market value. [Mr. AUGUSTUS SMITH: For science and art.] I am speaking of the market value of the land, and we must give the market value of the land even if we want it for science and art. In addition to the land we receive buildings that have cost £30,000 and are well adapted to their use. You receive the picture galleries; and, according to the estimates of Messrs. Fowler and Hunt, the cost of raising these such as they are now would be, one says, £80,000, and the other £90,000. I take the lower estimate of £80,000—that is, at the rate of 4*d.* per cubic foot. The cost of the British Museum estimate would be 1*s.* per cubic foot. In land, therefore, we get £250,000; in the commissioners' buildings, £30,000; in the picture galleries, £80,000; and besides all this there is the value of the old material, which is very considerable. It is within my knowledge that Messrs. Kelk and Lucas paid £76,000 for the ironwork alone. That is the state of the case. According to another view of it we pay £290,000. For that we receive 4½ acres or between that and five acres covered with good and substantial public buildings. We get 12½ acres more of site and the removable value of the rest of the building. I have endeavoured to redeem the pledge I gave. We ask you to maintain the southern galleries; we ask power to deal with the northern interior; we beg you to reflect on the position in which you will be placed if you decline to accept this plan, and we confidently recommend it as one which, if judiciously worked through, will not be discreditable to the national taste, will be highly useful for important public objects, and enable you to avoid what otherwise cannot be helped—long delay, infinite vexation, boundless dispute, much public discredit, and a vast expenditure of public money, not less than twice, it may be three or four times, the very moderate sum we now ask—a Vote of £105,000.

LORD ELCHO said, he wished to ask what would be the annual cost of maintaining the building?

THE CHANCELLOR OF THE EXCHEQUER said, it was printed in the papers.

*The Chancellor of the Exchequer*

An offer had been made which would be found in the printed papers to keep the building in reasonable repair, without permanent works, for three years for £2,000 paid down and £1,500 per annum. That would be about £2,200 a year.

Mr. CONINGHAM said, he also wished to ask, whether it was true that Professor Owen had given an opinion that the building was not adapted for the purposes of his department?

THE CHANCELLOR OF THE EXCHEQUER: I have had many communications with Professor Owen, and think myself justified in saying that he warmly approves the interior part towards the north, where we propose to place him, and considers it most admirably adapted for his purposes.

LORD ELCHO said, he rose, pursuant to notice, to move the rejection of the Vote for the purchase of the building. He was not surprised that his noble Friend (Lord Robert Cecil) had asked, across the floor of the House, whether the Government intended to purchase the whole of the building, or only a part of it, for so many changes had been made in the Vote that he was about to ask the same question; and it had become necessary to know how the matter really stood. It appeared that the Government intended to purchase the whole of the building, and they asked for £80,000 for that purpose. Their object, as he gathered it, was to keep up the picture galleries, and that part of the building in the rear, towards the Horticultural Gardens. In military phrase the Government had "changed their front," and he only wished they could as easily change the front of the building they proposed to purchase. He should *in limine* object to take the advice of his right hon. Friend, and to sweep out of consideration the estimate of Mr. Hunt, and his report on the state of the building. He would ask the Committee to reject the proposal of the Government, which, whether it went to the purchase of the part or whole of the building, was equally opposed to sound sense, sound economy, and he would venture to add, though with some diffidence, after what had fallen from the right hon. Gentleman, good taste. Although he opposed the Vote, he wished it to be understood that he was ready to consider any well-digested scheme for the promotion of science and art. What influenced himself and others in voting the money for the purchase of the land was

the consideration, that when land near the British Museum was worth £50,000 an acre, while that at Kensington was to be had for £5,000, it would be folly to refuse so good a bargain. But the speech of the Chancellor of the Exchequer had given a very different colouring even to that Vote for the purchase of the land; for, anxious as he might be to promote science and art, and convinced, too, of the necessity for the acquisition of land, he should consider land at even £5,000 an acre dear, if part of the title of the land was the obligation to purchase this building, or else to run the chance of an action from the contractors. If the Commissioners had so mismanaged their affairs as to have no contract on this point with them, could any one doubt that public opinion, if not the common law, would force the contractors to clear the building away? He, for one, had little doubt of it. Any gentleman acquainted with the British Museum must admit that land must be acquired for its increasing collections. Admitting, however, the necessity for finding room for the collection, it did not at all follow, that if the Committee purchased the land, it ought to purchase this building. On what ground was the Committee recommended to purchase the building? Was it for its beauty? The only way in which it could be made, if not beautiful and pleasing, at least less objectionable to the eye, was by the use of the trowel and the cement so liberally applied by the noble Lord at the head of the Government. As to its fitness, it must be recollected that it was to be turned to purposes for which it was not originally designed. As to its solidity, the House had the Report of surveyors, from which it appeared that the building required to be renewed from the skylights to the floor, and even lower, because twelve inches of concrete were required below the floor. His hon. Friend (Mr. Gregory), who said that rubbish was dear at any price, had been censured for quoting Mr. Mallet as an authority. As the right hon. Gentleman took exception to the opinion of Mr. Mallet, he (Lord Elcho) had thought it his duty to obtain the opinions of some well-known practical man, possessing the confidence of the Government, as to the state and condition of the building. His Report stated that the gallery for pictures was a substantial structure; that the roof, how-

ever (let the Committee mark the "however"), required to be repaired, skylights to be replaced by others of a stronger character; that new floor boards were wanted; and the whole to be made fire-proof. The remainder of the building was stated to be "partly permanent, and partly temporary." The iron work, as a whole, must be adjusted and modified. The timbers of roofs and skylights (nave and transepts excepted) must be removed. The whole roof (not excepting the nave and transepts) to be recovered with slate, marine metal, and new skylights. The gutters to be lined with lead; the skylights, frames, ridges, &c., covered with lead; the floors of galleries to be removed, and substantial floors substituted. The whole of the ground floor to be removed and renewed, a bed of concrete twelve inches thick being previously laid over the whole site. The ceiling and walls to be plastered, the drainage repaired. As to the domes, brick piers must be built, and arches and vaults made, and the domes would require thick glass lights. The warming and ventilation must also be provided for. The Report, added that there were other matters of a minor description not included in the above. If the Committee had followed that Report, they must have perceived that, practically, nearly the whole of the building must either be renewed or strengthened. Who was the gentleman who made the Report? It was the Government surveyor, Mr. Hunt, and the Report had been laid on the table. It was not for him to give an opinion on such a Report, but it might at least be placed by the side of that of Mr. Mallet. When, however, his right hon. Friend criticised the mortar of Mr. Mallet, he was probably not aware that the mortar to which he referred was designed by the Prime Minister himself. He did not know who made the working drawings, but at any rate the gun itself was made by Mr. Mallet according to the design of the Prime Minister; and if the right hon. Gentleman went to Woolwich, he would find that it went promiscuously by the name of the "Palmerston" or monster mortar. The Report of Mr. Mallet, however, was not so condemnatory of the building as that of the Government Surveyor, Mr. Hunt. He would not offer any opinion of his own upon the matter; he preferred to take the opinion of those gentlemen who drew up the Petition of the Institute of British Architects which he had presented that evening. His right hon.



Friend, knowing that that Petition was an awkward thing, had endeavoured to turn its flank, just as he had endeavoured to turn the flank of the House of Commons. [The CHANCELLOR of the EXCHEQUER: I did not speak of the Institute of British Architects. I spoke of the gentlemen who only visited the building once.] But the gentlemen who visited the building were a body of fifteen, appointed specially by the Institute for the purpose of visiting it; and if they only paid the building one visit, that was the most fatal argument against it, for so plain were its defects that professional men of skill and intelligence did not consider more than one visit necessary for the formation of an opinion. The Institute of British Architects had been formed about twenty-five years ago, in the reign of William IV.; its patroness was Her Majesty, the late President was the hon. Member for Bath (Mr. Tite), and its present President was Professor Donaldson, the private architect of the Prime Minister. He wished, in passing, to call particular attention to the fact that Professor Donaldson had never been consulted, and that Mr. Pennethorne, the architect of the Government, had never had his opinion asked upon the question. The Vice Presidents of the Institute were Mr. Ashpitel, Mr. Owen Jones, and Mr. Gilbert Scott, and on its council were Mr. Barry, Mr. Burges, Mr. Fergusson, and many other distinguished men. With few exceptions, therefore, the Institute embraced every man of eminence in the profession throughout the United Kingdom, and their opinion ought to have some weight with the House. Having appointed a Committee to visit the building, that Committee drew up a Report, which was submitted to a full meeting of the Institute—to two full meetings. Mr. Barry did not attend, but Mr. Owen Jones did, and he attempted to raise an opposition to the Report; but finding himself in a minority of one, he gave up the attempt. The Report, therefore, did represent the opinion of the intelligent mass of the architects of England. As regards structural considerations the Report said—

“A scheme of reinstatement so comprehensive, on any considerable scale, has probably never been proposed before in Europe; in other words, we know of no project that has ever been brought under discussion for the so-called conversion into a permanent public building of an edifice thus acknowledged [by the very proposal of Mr. Hunt] to be so unsubstantial and incomplete. Although this of itself is sufficient to excite grave anxiety in the minds of every one experienced in building, we have nevertheless deemed it proper to examine

the details of the proposal in order, and to note briefly our impressions regarding the more prominent considerations involved. As to the picture galleries, we feel bound to express the opinion that the mode proposed of forming a fire-proof floor is impracticable; and that the question of constituting the under story and roof fire-proof ought not to have been overlooked. Moreover, if valuable paintings are to be placed permanently in these galleries, we should consider it necessary to resort to still further precautions for their preservation from damp and dust. The allusion incidentally made to a required adjustment and modification of the iron columns, girders, and trusses, appears to us to cover a much more serious necessity for rectification than is implied. When it is proposed to line with lead the iron gutters of the roof, it becomes necessary to inquire particularly what can be the purpose of so unusual a measure; and to point to the well-known fact that the use of the two metals in such conjunction as would seem to be implied must result in a rapidly-destructive galvanic action.”

The use of the two metals lead and iron in combination, in the Armstrong shell for example, was found in the course of time to result in this, that it corroded into dust. His right hon. Friend had withdrawn the domes from the discussion; but they were to stand, and sooner or later something must be done with them. On that subject the Report said—

“So far as the project for the brick domes is intelligible to us, we feel bound to express the most emphatic disapproval of it. To encrust the iron skeleton of the present structure with brickwork is an idea which we could not seriously discuss; and we would content ourselves with suggesting that whether the iron is to support the brick, or the brick the iron, or whether there is to be a mutual dependence or independence, the probability is that so heterogeneous a structural combination would in a few years become utterly disorganized.”

Now, as to the financial point, what did the Institute say—

“With regard to the financial question, we are of opinion that it has been put forward upon singularly fallacious ground. The idea which seems to have been communicated to the Government is this, that by purchasing for £80,000 a temporary structure which cost £310,000, but which has served its purpose and become much dilapidated, and by expending upon it £284,000 in structural rectification and repair, the nation is to obtain for the total of £364,000 a building which shall be substantially permanent, and worth very much more than the price paid for it. We consider this to be on the face of it impossible. And if allowance be made for uncertainty of appropriation, for peculiar difficulty of conversion and waste of space, for the unestimated future expense of adaptation and fitting up, for the disputed estimate of the present cost of reparation, and more than all for the necessities of repair, which must become an annual charge in the case of such a structure, it seems to be plain beyond all need of argument that no prudent or responsible adviser could countenance an investment

which shows a margin so large in probable loss and so small in possible profit."

Did any one ever purchase an old tumble-down house at £80, to spend £280 in repairs, not to beautify it, but to make it water-tight and habitable. Would any hon. Member do it? Would the right hon. Gentleman himself do such a thing? And if the house were said to be worth more than £80, would not the transaction be all the more suspicious as an investment? Well, but if the right hon. Gentleman would not do any such thing in the case of a house which might be bought for £80, with what face could he ask Parliament to do so in a case where there was this marked difference, that the sum to be paid was to be multiplied by thousands, and eventually, after all the outlay, they would fail to make the building permanent? He ventured to say that the picture galleries formed just that portion of the building which the public really did not want. They had had a distinct assurance from the Prime Minister that the national collection of pictures was not to be transferred to those galleries; but they had been told that the galleries were fit for the collection of historic portraits. He held in his hand a ground plan of the galleries, and he found that the length was 1,152 feet. Now any one who had visited the National Portrait Gallery would be able to conceive the amount of space which that collection would occupy in the galleries. He could not help thinking that there was something more behind. Captain Fowke was not only an architect, but a military man, and he fancied that that gallant gentleman had been teaching his right hon. Friend all kinds of manœuvres; but when a battery was masked, it was of great importance not to unmask it too soon. Now, he thought, that his right hon. Friend had unmasked his battery too soon in trying to get these galleries. It would be in the recollection of the Committee that some time ago he made a Motion, which was agreed to, for the issue of a Commission with the object of ascertaining, before anything was done in reference to the transfer of the national collection of pictures to Kensington Gore, whether such a transfer was desirable or not. It was felt that Kensington Gore never took St. Stephen's into its confidence, and that plans were constantly matured at the former place of which hon. Members heard nothing till they were suddenly thrown upon the table of the House. That Commission reported that it was not desirable to remove those

pictures from the centre of London. He believed that Report was endorsed by public opinion, and that the House of Commons would not be brought to sanction the removal of the national collection of pictures to Brompton. However, he could not help thinking that some idea of their removal was entertained by the Government, when it was said that the galleries in the Great Exhibition building were wanted for the collection of portraits. This should not be the case, for there was no natural connection between portraits and patents, birds and beasts. The natural connection of the portrait gallery was with the national collection of pictures, and it would be entirely inconsistent to remove the portrait gallery to Kensington. One of two things was perfectly clear—either the Government must contend that the whole of the large picture galleries of the Exhibition building were wanted for the national collection of portraits—and that was absurd; or, to use a common expression, the whole thing was a "plant," and it was desired to carry the national collection of pictures there. It was desirable that the House of Commons should not look entirely at this question in a utilitarian point of view, and maintain a structure condemned by public opinion. He never recollected any subject in respect to which such a strange unanimity on the part of the press had prevailed as on the defects of the building. There were scarcely two opinions as to its ugliness or beauty. The only persons either in or out of the House who were advocates for the Exhibition building were the Prime Minister; and the Chancellor of the Exchequer, and *The Times* was the only newspaper which had expressed an opinion in its favour. He begged to read the following extract from the *Spectator* newspaper:—

"Let us not have the shrine of art set up in the Temple of Ugliness. The building stands condemned by the taste of cultivated Europe, and, first of all, as the essential preliminary to any further votes, should cease to encumber the soil. No patching, or stucco, or domes, or frescoes, or pillars, or gates of flagstone, iron can ever make the present building fit for anything but an International Dog Show, or a range of cavalry stables. Clear the ground for an edifice worthy of its end, and insist that if they are to spend millions on arts, Government shall acknowledge that architecture is one of them."

The Institute of British Architects declared, among other things, that "the building is a grave discredit to the artistic reputation of England," and in the strongest language deprecated the proposal to cover the walls with surface ornament, and cloak the domes

with a doubtful solidity. Although he did not venture an opinion upon the building itself, there was a principle involved in what had been proposed to which he wished to call the attention of the Committee, and that was the sham decoration which was proposed under the sanction of Government and the Department of Science and Art. He objected to the application of stucco decoration because it was a sham. The Prime Minister had been eloquent in favour of stucco. He held in his hand an extract taken from the *Lamp of Truth*, and written by an English writer who had the happy knack of expressing himself in happy language. Mr. Ruskin, the writer to whom he alluded, said—

"We may not be able to command good, or beautiful, or inventive architecture, but we can command an honest architecture. The meagreness of poverty may be pardoned, the sternness of utility respected; but what is there but scorn for the meanness of deception? To cover brick with cement, and to divide this cement with joints that it may look like stone is to tell a falsehood. Yet, exactly as a woman of feeling would not wear false jewels, so would a builder of honour disdain false ornaments. You use that which pretends to a worth which it has not—which pretends to have cost, and to be what it did not and is not. It is an imposition, a vulgarity, an impertinence, and a sin. Down with it to the ground, grind it to powder, leave its ragged face upon the wall rather. You have not paid for it; you have no business with it; you do not want it. Nobody wants ornaments in this world; but everybody wants integrity. All the fair devices that ever were fancied are not worth a lie. Leave your walls as bare as a planed board, or build them of baked mud and chopped straw, if need be, but do not rough-cast them with falsehood."

Mr. Ruskin referred to women wearing false jewels; but the process to be applied to the building was the process which Madame Rachel applied to women's faces. Madame Rachel covered the face with a preparation which made it beautiful for a time or as she professed for ever. The Prime Minister was the Madame Rachel to the Exhibition building; but there was this remarkable difference between the process of Madame Rachel and the process of the Government, that the former cost only £1,000—at least, he believed so, though he never had a bill of hers to pay—and lasted, as she said, for ever; but the process of the Government would cost £45,000, and certainly could not be expected to last for ever, while the building would be beautiful only in their own eyes and in those of Captain Fowke. A great change was taking place in the spirit of British architecture. An earnest, truthful school was springing up, which abhorred pretences and used only

*Lord Elcho*

bricks, stone, marble, and such materials as looked what they really were. Although the rays of the *Lamp of Truth* had not yet penetrated the gloom of Downing Street, they were shed on buildings of all kinds, from churches down to warehouses and shops; and he did not despair of seeing a new London, at once truthful and picturesque in its architecture, rise on the ruins of the dead conventionalities and stucco shams of the present period. He might mention, by way of contrast to the conduct of the Government, that the Marquess of Westminster had resolved to pull down Grosvenor Place and some of the adjoining property, and re-build it according to the designs of eminent architects, one of the conditions being that no stucco was to be used, and that the materials should consist only of brick, granite, and so on. The difference of cost from discarding "compo" was really very little, not more than five per cent, according to Professor Kerr of King's College, or at the most, if no extravagance were committed, ten per cent. Every device had been resorted to by the Government and the contractors to keep the building up. Every influence had been brought to bear to secure that result. Knowing, as he did, the opinions of hon. Members, he could call that nothing more nor less than an attempt to force a distasteful scheme down their throats. Balls, concerts, bazaars had been given in the building, although in the case of the Crystal Palace of 1851 all such things were positively prohibited by an express provision. The following advertisement from the columns of *The Daily News* gave some idea of the purposes for which the building had lately been used:—

"In one part of the building may be seen the only true exponents of the Shaksperian Drama in their Richardsoonian Booth and Theopian Temple, the exterior of which will be magnificently decorated with one-storied legends of the Dramatic Art, and before which the monarch, the sage, and the peasant of the good old mediæval ages will once more strut the stage of life; and in the interior will be presented, free of all charge (except that for admission), the spectacular, tentacular, vernacular, tabernacular, tragic and emotional tableau of Braganza the Brigand; or, the Spirit and the Proof! Alternating with the ultramarine, subaqueous, aquario-domestic drama of the Port Admiral; or the, Mysterious Mariner and the Rightful Heir."

Such doings seemed rather out of place in a temple consecrated, as they were told in pompous speeches, to science and art; but at least the object of the bazaar was singularly appropriate to the character of the

building, for it was for the benefit of incurables. He had heard it said that it was necessary to retain the building in order that the plans of the late Prince Consort for the promotion of science and art should be realized. There was no one in the House who had a higher respect for the memory and character of the late Prince than he had. For his own part, and he believed he spoke the general feeling, he cordially approved the recent Vote for a monument, and would cheerfully have agreed to a larger sum had it been asked for. He trusted that if the Government should still require additional funds for that object, they would not hesitate to come to the House for them. When the Duke of Wellington's despatches were first published, an eminent foreigner remarked, "What a distinguished monument Colonel Gurwood has raised to the Duke!" In the same way the speeches of the late Prince Consort contributed a nobler and more touching memorial than any that could be formed of brass or marble. These speeches commemorated his wisdom, his foresight, his true philanthropy, his devotion to art and science, and his intimate knowledge of the people of this country—of our virtues and our defects. He was sure they would all consider most favourably any plan for the promotion of science and art which came with the Prince Consort's name attached to it. But the House had yet to learn what possible connection there was between the plans of the Prince Consort and a building which he never saw, into which, alas! he never entered, and with which he had really no connection. He could tell the Government, that if they wished to render the schemes of the late Prince unpopular and to cast discredit on science and art, they could not more effectually accomplish that object than by thrusting down the throat of the Committee that ugly temporary shed, which no amount of money would ever render permanent, convenient, or beautiful. Madame de Staël truly said that contemporary foreign opinion practically represented the verdict of posterity, because it was formed at a distance and was free from the prejudice and passion which prevailed close at hand. If, therefore, the Committee desired to ascertain the opinion of posterity about the transaction, they might gather it from the following letter, which M. Mérimée, a distinguished Senator and member of the Institute of France, had addressed to him:—

"You ask me what I think of the Exhibition building in which we met last year. My answer is a short one—I think it detestable. If you ask me why, I say that it is ill adapted for its purpose, that its proportions are bad, and that it belongs to no style of architecture. Larger than Paxton's building, it yet looks smaller. I own I was surprised on arriving in London last year, to find that a sensible, practical people like the English could have allowed themselves to be so taken in. When in 1851 you wished to have a large conservatory for your International Exhibition, you judiciously applied to a gardener—when you wanted a reading room for the British Museum, you took the plan of the best librarian in Europe; but this time you chose an engineer officer, very able no doubt in making or destroying fortifications, but assuredly not an architect. He has produced something with the pretensions of a monumental building without even the merit of being a commodious shed. By all means preserve it if you wish to warn posterity of the faults to be avoided in the erection of a great public building, just as the Spartans exhibited to their children a drunken Helot. Let me in my turn ask a question: What do they propose to do with this building? Is it to be again used for international exhibition? The space is insufficient, and all foreigners complained of want of room. Is it to be turned into a concert-room, into a hall for military exercises, or into a riding school for the Horse Guards? Remember that it was a very bad place for hearing music, and that in it one was unsheltered alike from sun and rain. If you mean to apply it to several purposes, take care that you do not share the fate of those who buy a horse for a double purpose, and find that they have got one which will neither ride nor drive."

After reading that letter it would be impertinent in him to offer any further observations; but he hoped the Committee would support him in rejecting a proposal which, to use the words of the Petition of the Institute of Architects, could only be fraught with disappointment and discredit to the country. The noble Lord concluded by moving the rejection of the Vote.

Mr. TITE said, that the Chancellor of the Exchequer had stated, that when he (Mr. Tite) was asked whether he knew Mr. Mallet, he answered "No;" but he believed he had been consulted some years ago by Sir Charles Barry relative to the iron roofing of the Houses, which had then just been introduced to Mr. Hunt. He was a man of intelligence and honour, and any estimate of his would be received with respect by any architect or surveyor in England; but at the same time, as stated by the Institute of Architects, it was obvious that Mr. Hunt had omitted a great many things from his estimate, and that the amount ought therefore, in all reason, to be sensibly increased. Many of the architects, members of the Institute, who were engaged on the various juries, and visiting

the Exhibition almost daily, were intimately acquainted with the whole structure; but when it was proposed they should petition against the Vote, and when asked their opinion of the present value of the Building, he (Mr. Tite) suggested that a Committee should be appointed to go through the whole Building, and ascertain its present condition; and he continued to think a more prudent course could not have been adopted. This had been done, and the result was embodied in the Petition which now lay on the table of the House.

**THE CHANCELLOR OF THE EXCHEQUER:** How long were they in the Building?

**MR. TITE:** I do not know.

**THE CHANCELLOR OF THE EXCHEQUER:** Only once.

**MR. TITE:** But long enough to justify the opinions they had expressed. As to Captain Fowke, he had never spoken against him. Doubtless, he was a man of great talent; but in this case he had stepped out of his profession. The insinuation that there was any dirty jealousy in the minds of architects against Captain Fowke he repudiated altogether. The Building at Kensington was universally condemned. Although he (Mr. Tite) had voted in favour of purchasing the land, he considered the building upon it was a blot and a reproach. What was the prospect of the permanency of the Royal Horticultural Society? And besides, he had been informed that the land flanking it and the annexes was to be sold for building ground. And what was there to prevent it?—[**THE CHANCELLOR OF THE EXCHEQUER:** A covenant]—Yes; a covenant of sixty years. The building was universally objected to by the painters who were members of the Royal Academy; in truth, there was a general opinion expressed against its continuance in the artistic world. We did not want the picture galleries, for how were we to fill them? and Professor Owen, when asked what it was he wanted for his Natural History collection, replied that all he required was a building, 150 feet by 40 or 50 feet, divided into eight galleries, and a lecture room; and that he was indifferent whether they were built in Great Russell Street, Montague Square, near the British Museum, or on the site of one of the annexes. There was therefore no necessity for purchasing the Exhibition Building for the purposes of the Natural History collection. The building was also objectionable as a public building from

want of area around it; the walls actually coming up to the footpaths. Stucco also was objectionable for a public building, for it was not truthful, like stone. Nor was it even economical, for it required colouring or painting every three years. It was universally condemned by architects for a public building. If economy and durability were desired, stone should always be used, and not stucco. He (Mr. Tite) for these reasons was entirely opposed to the resolution.

**MR. BENTINCK** said, he hoped the Committee would not allow a division to be stolen in so thin a House at that hour (a quarter to eight) on so important a matter. One peculiarity of that House was, that as the common phrase ran, it was remarkably regular at its meals. The remarkable silence which had ensued on the Motion being put from the Chair might be mainly attributed to that peculiarity, and also, on one side of the House at least, to the obvious wish of the proposer of the Vote that a division should take place when a large number of hon. Members were absent. He (Mr. Bentinck) had not intended to address the Committee on the question; but he thought it exceedingly unfair that a question of this importance should be dealt with in so hasty, he might say so indecent a manner, that he felt bound to occupy a little of their time in stating his objections to the measure, in the hope, he frankly owned, that other hon. Members might be induced to follow his example. He had listened attentively to the Chancellor of the Exchequer's speech, and must say he had never heard that right hon. Gentleman furnish so many strong arguments against the very course which he had sought to persuade them to adopt as he had done on that occasion. The right hon. Gentleman tried to disparage Mr. Mallet's opinion by stating that that gentleman had never been employed in the construction of the Houses of Parliament. Now, surely it was a strong point in Mr. Mallet's favour that he was guiltless of any connection with the erection of that enormous pile of extravagance, inconvenience, and bad taste. The right hon. Gentleman also spoke of the uncertainty as to several elements connected with the building at South Kensington; but in respect to two "elements" at least there was no uncertainty whatever, for there could be no doubt that unless a very large outlay were made in annual reparations, wind and rain would have free course through the building. The right hon.

Gentleman further remarked that the building was "susceptible of being made handsome." This was rather a singular phrase; and if the right hon. Gentleman would show the Committee any cosmetic that would impart any portion of beauty to the building in question, the inventor of that cosmetic would soon possess the largest fortune ever accumulated in the country. The right hon. Gentleman then said, "After buying the land will you stop short?" And now he was coming to the real merits of the case. The right hon. Gentleman added that the contractors were under no obligation to remove the building at any specified time. That was told to the House now for the first time; and he (Mr. Bentinck) therefore said that the land was purchased under false pretences. Had that circumstance been fairly stated at the time, the Committee would never have agreed to the Vote. The right hon. Gentleman said to the Committee, however, "Having bought the land, what are you going to do with it?" That was as much as to say, "I have got you in a corner." But he (Mr. Bentinck) refused to go into the corner. The question, "What will you do with the land?" was easily answered. They said they had purchased the land a bargain; and he said, "Sell it again as soon as you can." [The CHANCELLOR of the EXCHEQUER: It is subject to a covenant.] He should contend that a covenant in a purchase obtained under false pretences was not binding. The House ought to have been in possession of all the facts of the case when it assented to the bargain. The right hon. Gentleman further urged the mischief of delay. He (Mr. Bentinck) thought, on the contrary, it would be most beneficial. If the proposal involved a wasteful expenditure of the public money, every delay was a positive saving of so much money. He could prove that the whole of the proposal was one of glaring and reckless extravagance, and therefore the question what they were to do after having bought the land could be easily answered. Let them do that which they were bound to do in justice to the public purse. The Government said they had made a good bargain for the site. Then the sooner they sold it again the better. The right hon. Gentleman himself, in asking for the Vote, admitted that the place was much too large for any objects which the Government, with all their wit and extravagance in this matter, at present contemplated. If that was so, could there

be a stronger argument to show that the purchase was much too expensive a one, and did it not afford a strong reason for selling a portion of the land? The right hon. Gentleman called on the minority to exhibit self-sacrifice and patriotism by concurring in this Vote; but would there be any self-sacrifice and patriotism in hon. Gentlemen voting this week that a thing was white which last week they had voted was black? The right hon. Gentleman admitted that one side of the building was bad; but, as the other side was so different, he said it must be good; and by an extraordinary process of logic, he arrived at the conclusion that what Parliament ought to do was to buy both, inasmuch as if it did so, it could not fail to be right. The Chancellor of the Exchequer had considerably told them to leave the domes to the future. He was satisfied to accept that portion of the right hon. Gentleman's proposal, because six months of the future unaided by a grant of public money would dispose of the domes *in toto*—they would disappear. He was therefore glad to hear that the right hon. Gentleman, amongst the various ways in which he proposed to squander right and left the public money, was not prepared to ask for any on account of the domes. He would remind the Committee, that on the introduction of his Budget, the Chancellor of the Exchequer made most eloquent appeals to the House, not to interfere with his surplus, which he said was so small that a due regard to the possible requirements of the public service rendered it advisable for him to keep it in hand; but if, instead of that answer to all appeals made to him for a further remission of taxation, the right hon. Gentleman had said he must keep his balance in hand because he intended to ask the House of Commons to sanction this expenditure of public money, would the House have listened to such an appeal? [The CHANCELLOR of the EXCHEQUER: All this was provided for at that time.] These contingencies were not thought of, or provided for at that time, and he would ask the Committee not to diminish the surplus, or sanction an expenditure of at least half a million of money in the redemption and repairing and reconstruction of enormous buildings, which were now composed of broken glass and brickbats, and which, when finished, would be filled with stuffed monkeys and dead animals. He would defy the right hon. Gentleman to deny, that if the scheme which he now proposed were carried, the

entire amount of the surplus would be swallowed up. The right hon. Gentleman might shake his head; but he could not deny that. The right hon. Gentleman said to the Committee, "You have purchased the land, and what will you do now?"—and that implied that the Government had succeeded in getting the House into a corner from which they could not escape. He (Mr. Bentinck) would again say that the land had been purchased under false pretences, and that the House had a full right to re-consider the question. He would ask the right hon. Gentleman whether the course he was taking was in accordance with his position of legitimate guardian of the public purse, and in accordance also with all those denunciations of extravagant expenditure with which he had so often charmed the ears of the House, and with respect to which he had been supposed to be at variance with several of his Colleagues. The right hon. Gentleman who had censured his own Colleagues on the score of extravagance, now came forward as the member of the Government, to make one of the most wasteful, one of the most extravagant, and one of the most unjustifiable proposals ever submitted to the House of Commons. No man could calculate the cost in the future, if that wild scheme were carried on, or say what millions might be required to carry it out. What would be the feelings of a large number of their countrymen, who, a few days ago, had read a debate in which it was fully admitted that great distress, and that great difficulty was found by the Executive in dealing with the financial part of that difficulty? What would those people say, when they found the guardian of the public purse proposing an outlay of millions of money, for such a comparatively worthless and trivial purpose as that before the Committee? It would raise a feeling of indignation throughout every part of the country, and particularly where distress had existed. The people would feel, and justly feel, that the sympathy which had been expressed for them by the Government, and by that House, was a farce—a mere pretence; and that it was perfectly impossible that that feeling of sympathy was the sincere or honest feeling of the House of Commons, when that House could lend itself to the frittering away of millions of money upon a comparatively trifling object. At no time ought the Committee to sanction such a wasteful expenditure of public money, but still less at a time when the distress in the

*Mr. Bentinck*

country generally was such as to require that every shilling should be saved that could possibly be spared from the requirements of the country.

SIR JOHN SHELLEY said, he had always done his best to support the South Kensington Museum, believing there was no institution in the kingdom which afforded more instruction and intellectual amusement to the people of the metropolis—not only the rich, but the working classes—and including visitors to London. Having been a Juror at both Exhibitions, he must say such institutions did much to improve the taste of the country, and especially to enable working men to compete successfully with foreign workmen. If, therefore, he could conscientiously vote on that occasion with the Government, he should do so. He had certainly been under the impression that the contractors were bound, if the House should insist, to remove the building within a certain time; but those who knew anything of the antecedents of Messrs. Kelk and Lucas would be slow to believe that they would resort to anything like a legal quibble on the point. At the same time, even if the contractors were under such an engagement, he did not suppose the Committee would insist on the pound of flesh within six or twelve months. They would deal liberally with them, and allow them to make the best of the materials. Looking to what had happened on other occasions with regard to public buildings, they should be prepared to face the difficulties of the case. The really false step was to buy buildings which were in such a state as had been described. He proceeded in this matter on the opinion of Mr. Hunt, who was a man of standing in his profession, and, guided by that opinion, he could not vote for the proposal. The best economy, in the long run, would be to pull the building down. Instead of trying to patch it up, the ground should be cleared, and, putting men of taste on one side, the best advice that could be obtained should be taken as to the building which was really wanted. With regard to Captain Fowke, although there could not be two opinions as to the outside of the building, yet, looking at the instructions given to him, and the money he had to spend, that gentleman had made a little money go a long way. Captain Fowke, however, was not an architect, and that was the reason why all the architects were against him. It was not fair to charge him with having erected a building

which now required a great deal of repair, because it was never intended to be permanent. With every wish to resist the sort of running fire which was kept up against South Kensington, he felt bound to vote against the proposal of the Government.

Mr. COWPER said, he believed that what had fallen from his right hon. Friend the Chancellor of the Exchequer in regard to the arrangement with the contractors, had not been thoroughly understood. The Commissioners of the Exhibition of 1851, who were the proprietors of the land, covenanted with the Commissioners of the Exhibition of 1862 that the land should be cleared within six months after the conclusion of the Exhibition, and they naturally assumed that some legal document had been signed by the contractors to give effect to that engagement. It was only recently discovered that the Commissioners of 1862 had failed to obtain any covenant that would bind the contractors on that point, and had his right hon. Friend been aware of the fact when he proposed the Vote he would have mentioned it. It was now found, that though there was no doubt that the contractors were bound to remove the building, they were, in the absence of an express covenant, left to the ordinary course of the law as to the time of clearing the ground, and could therefore take a longer time than six months. His noble Friend (Lord Elcho) had made an entertaining speech in moving the rejection of the Vote, but he failed to grapple with the particular question put before the Committee by his right hon. Friend the Chancellor of the Exchequer. The proposal of the Government only involved an expenditure of £290,000, and the retention for use of those portions of the building which were permanent, as distinguished from those of a mere temporary character. Any body who had studied the building must be aware that the picture gallery on the south side, and what were the refreshment rooms on the north side, were built solidly of brick, and did not require anything more than slight repairs. The foundations did not need alteration, and some little repair to the drainage, and an alteration of the skylights was all that was necessary. Like the Chancellor of the Exchequer, he excluded the domes from consideration, for they were not dealt with in the proposal before the Committee; and that would get rid of much of the argument which had been offered, and of the speeches which had been prepared against the plan. The proposal referred only to the substan-

tial and solid part of the building, which would provide what was immediately wanted for the British Museum and the Patent Museum, leaving for further consideration afterwards how the remainder of the land should be covered with a view to accommodate other collections. Against the picture gallery nothing could be said, either as to its adaptability for the exhibition of pictures or as to its permanence. The Government did not propose to take any steps for the alteration of the front, but they had the authority of Mr. Smirke and Mr. Scott that the building might be made ornamental. If the matter were put into Mr. Scott's hands, no doubt he would adopt a brick front; he would certainly not adopt stucco, as that was against his principle, and would hardly propose to incur the expense of Portland stone. The object of the Government in the beginning was to put before the Committee the best estimate of costs which they could obtain previous to the Vote, and not to submit any plan, because no plan of architectural arrangement had been gone into. It was much better to postpone that to a future day. But Mr. Hunt estimated the amount which might be expected to be incurred for rendering permanent and substantial the whole of the building, so that the Committee might know the maximum. Not that the Government intended at once to deal with the whole of the estimate, because, on the contrary, his noble Friend at the head of the Government, in bringing forward the first proposal, said, he only intended to appropriate seven acres out of the seventeen; but they thought it right that the House of Commons should know the maximum estimate if it were thought necessary to repair the whole of the building. The stucco covering was adopted by Mr. Hunt as a very good test of the expense of completing the front, but the Government had never seriously proposed to adopt stucco. If the Committee were prepared to go to the expense of Portland stone, no one would be more pleased than he should be. But that point was not involved in the present Vote. His noble Friend commented on the purchase of a large extent of picture gallery, there being at present no pictures to place in it, and seemed rather to infer the existence of some secret design on the part of the Government to transfer the pictures of the National Gallery there. Now, his noble Friend at the head of the Government, in moving the Vote for the purchase of the land, distinctly stated that there was no intention of transferring those pictures to



Kensington Gore. But that picture gallery was just the building required, not merely for pictures, but for such articles as were to be found in the Patent Museum. The light was very good, the gallery itself very convenient, and he doubted whether, for the purposes required, any architect would design a better building. On the score of economy, too, the Committee would do well to entertain the proposal. Thus they had a portion which was originally designed for permanent use, as Captain Fowke's Report showed that he was compelled to construct the picture galleries in such a manner as would render them fit for permanent use, in order to preserve the valuable paintings that were to be exhibited there from all risk of injury from damp. That portion the Government proposed to retain. The remainder of the building would require very extensive repairs or re-construction to become permanent. If the Committee should think it was undesirable to effect these changes, the materials of the present building could be sold. Some ridicule had been cast upon the suggestion that the Government had become a seller of old materials, but that would be no new character, as the accounts would show large sums annually received from the sale of old materials, and there was no reason why the Government should not obtain as good a price for the materials as any private seller could obtain. But if the Committee should insist upon the materials already on the ground being sold, then, in order to make the ground available for any purpose, it would be necessary to buy other materials of the same character. The Committee could judge which would be the cheaper course. As to the domes, the Chancellor of the Exchequer had fairly said that question could be left for future consideration. Although a good deal might be said in favour of domes as an architectural feature, yet much might also be said against the actual position of the domes. It was not necessary, however, to enter upon that question at present. It had been truly stated, that if the Vote were altogether rejected, a door would be opened for an unlimited indulgence of speculative taste. The Institute of Architects might propose something very admirable but very costly, other persons would propose something else, and thus there must be great delay, and probably much increased expense. They could judge how difficult it was to get up of vacant building opinions. The site

for the Foreign Office had been vacant for twenty or thirty years, while a discussion was being carried on as to the style, the size, and other details of the building. The difficulty was not limited to Government buildings, because there was the site of the Fleet Prison, which had lain idle for twenty years. No one could desire that the seventeen acres which they had purchased should remain in that useless condition, and therefore he thought they would do wisely to buy the building as it stood, to retain those portions which were in a satisfactory condition, and which could easily be rendered so; and with regard to the portions of the building which at present were not beneficially available, they could either sell the materials or re-convert in an improved shape. The sort of building required for a patent museum was much the same building as that now standing upon the property; and there was a paper on the table showing the plans of Mr. Hunt, to meet the views of Professor Owen, and they were a building with iron columns, with a portion of the roof of glass. He thought the views of Professor Owen, with regard to a portion of the contents of the British Museum, could be easily met in the refreshment rooms and the ground immediately adjoining. The Vote was proposed upon the ground of making an economical and rational use of the site, and he hoped the Committee, regarding it as a mere dry matter of business, would assent to it. He was aware that there had been many floating rumours; but although he listened attentively to the complaints made against the Government, he thought they applied not so much to what was actually proposed as to some fancied scheme or remote contingency, which, as far as he knew, existed only in the imagination of those who entertained such fears. The desire of the Government had been to give the fullest information, and, without coming to any decision as to a final arrangement, they wished to point out to the Committee that they believed the present building might be made available for the reception of some portions of the British Museum collections and the Patent Museum.

MR. CAVENDISH BENTINCK said, the right hon. Gentleman the Chancellor of the Exchequer and the First Commissioner of Works wished the Committee to treat the question as a dry matter of business; but this was the most unbusiness-like proceedings of which he had ever heard. It appeared from the right hon. Gentleman's statement that they had

bought a property with a bad title ; that the Commissioners of 1851 had no power to sell the property unincumbered. He understood the right hon. Gentleman to say that the Commissioners of 1851 let a portion of the land to the Commissioners of 1862, and yet that they were not sufficiently careful to obtain a valid covenant for the removal of the building.

Mr. COWPER : They took it from the Commissioners of 1862 ; but the Commissioners of 1862 did not take a covenant from the contractors.

Mr. CAVENDISH BENTINCK said, he would like to know whether any private gentleman would buy property without having an abstract of title delivered and perused. There appeared to have been no such investigation in this case, and there was clearly a flaw in the title. The Vote for the purchase of the land had been taken without the House being fully informed upon that point, and several hon. Members who voted for the purchase of the land had since assured him, that had they been aware of the fact now stated, their votes would have been given the other way. A great question was now opened. He would like to know what was the impression upon the minds of the Commissioners of 1862 as to the ultimate destination of the building. He also thought the Committee was entitled to some explanation why so important a question had been kept back till so late a period of the Session as the 2nd of July ? There was a report in circulation, which he was strongly disposed to credit, that from the first there had been an intention on the part of the Commissioners and persons connected with the Exhibition that the building, by some means, should become the property of the nation. He called on some Member of Her Majesty's Government to say that was not so. [Mr. LOWE : It is not so.] He hoped the right hon. Gentleman would prove his assertion. He had remarked that, whenever the Government had a bad case, they were very unwilling to prolong a debate, and that night they had allowed three or four hon. Gentlemen to rise one after another on the same side without interposing a word, almost allowing the discussion to drop. Either the Government intended to purchase the building originally, or they did not. If such had been their intention, why was it that they only allowed information to be extracted from them by dribbets ? If they were opposed to the purchase, why did they ask the House, towards the close of the Session, to vote the pur-

chase of that monstrous erection ? Whoever else might have been in ignorance, Captain Fowke clearly knew that the building was to be permanent ; the right hon. Gentleman admitted as much. It was strange that the President of the Department of Science and Art, and Heaven only knew of what else besides, should not have taken pains to acquaint himself with particulars which were perfectly well known to the First Commissioner of Works. The Institute of British Architects was decry'd by the Chancellor of the Exchequer, but it was a very extraordinary circumstance that Mr. Sidney Smirke, whom the right hon. Gentleman had cited in support of his views, was the very architect of the British Museum, to whom the Prime Minister had objected a few evenings since, declaring that if Government buildings were intrusted to him to construct, there would be no end to the expense. To what use, he would ask, would this Exhibition building be put when once it was obtained ? Talk of science and art ! Science and art cost the country £130,000 a year, and indignation was excited last year at the mere proposal to add five acres to the Kensington estate, and to cover them with buildings. The present proposition extended to three times that quantity of land. In what style were the new buildings to be—Fowkean or Dilkhoosian ? Far from instructing students in architecture, the wretched edifice would be a perpetual byword and shame to England. A Patent Museum was said to be included in the urgent wants of the country. But when had it been heard of before ? The Patent Museum was an invention on the part of the Government to hoodwink the country and plunge it into further expenditure. How were they to fill picture galleries 1,000 feet long ? The National Portrait Gallery was at present contained in three or four small rooms in Great George Street, and according to the Report of the Commission of 1857, the national pictures never could be removed to Kensington. Supposing a new gallery to be made at Burlington House or elsewhere for the Royal Academy, there would be ample space for the portraits in Trafalgar-square. This unjustifiable expenditure was being entered upon without any definite plan, and would never be satisfactory to the country. The Vote for this building was but an attempt to get in the small end of the wedge, and he should therefore support the Amendment.

Mr. DOULTON declared that he felt

himself at some loss to understand the proposals submitted to the Committee. The only idea to be gathered from the speech of the right hon. Gentleman was, that the requirements of the country consisted in plenty of space and plenty of cement. The conduct of Her Majesty's Government in reference to the question, to say the least, had been very disingenuous. On the previous occasion they asked the House to purchase the land, giving hon. Members to understand that the two questions were to be kept entirely distinct. Now the right hon. Gentleman told them, "You have the land; surely you will not be so foolish as to refuse to buy the building." That night they heard for the first time that there would be some difficulty in getting the contractors to remove the building. Surely, if such was the fact, they ought to have heard it from the noble Lord when he first introduced the question. He hardly knew whether to be most surprised at the want of candour on the part of the Government, or at the incompetence of the Commissioners in entering into such an arrangement. Not satisfied with the other duties resting upon them, it appeared that the Government were about to become marine store dealers. He hoped the right hon. Gentleman the First Commissioner of Works would be always charged with the conduct of that Department. The Chancellor of the Exchequer repudiated the authority of the document emanating from the Institute of British Architects, but it was not fair to that Report to treat it as the production of a small Committee, for the subject had been considered by the Institute at large, and referred to that Committee to report upon. The Chancellor of the Exchequer told the House that the building was a decided bargain at £80,000, as the contractors had been offered more than that sum; the right hon. Gentleman might believe that story—he did not. He could not believe that contractors had such a love for science and art as to take £80,000, if they could have obtained £90,000. The highest estimate he had heard of the value of the building was £30,000. Mr. Hunt's estimate was only £47,000; and why, then, should Parliament be called upon to give £80,000? If the Committee accepted the building, it must remember that the building was a structure which it was not to be expected that the Government would be able to maintain.

and master there, it was not easy to imagine. If the Committee must purchase the present building, it ought to know who were to be the builders and architect of the improved edifice. Every one knew out of doors that the building had been throughout an immense job. If the architect were to be Captain Fowke, perhaps he was selected in order to enable the noble Lord at the head of the Government to try his hand there, as he had done with Mr. Scott's work. Before he consented to that, however, he should like to see the new Foreign Office that was being built. He thought it somewhat extraordinary that the Committee had not heard as yet the opinion of any right hon. Gentleman on the front Opposition bench. If all they heard were true, those right hon. Gentlemen were in perfect accord with Her Majesty's Government, and were prepared to sanction the Vote before the Committee. It was not the first time that the two front benches had agreed together; but it was always when there was some great abuse to be maintained. Last year there was a proposal before the House to make an embankment on the north side of the Thames. There was then a perfect agreement on the part of the leaders on both sides of the House; but there was a sufficient number of independent Members to repudiate the proposal of the Government. He trusted that the same spirit and determination would be shown on the present occasion.

LORD HENRY LENNOX said, he could not congratulate either the Chancellor of the Exchequer or the First Commissioner of Works on the manner in which they had introduced the Vote to the Committee. Their speeches were by no means calculated to remove the asperities surrounding the subject; but, on the contrary, they introduced remarks and items which were certain to provoke unnecessary and hostile criticism. He felt inclined to join issue with the Chancellor of the Exchequer on one of his statements, and to contend, on the other hand, that in his story about the non-removal of the Exhibition building the Treasury bench had discovered what was popularly called a "mare's nest." Any one who knew the character and standing of Messrs. Lucas and Kelk, and those associated with them, would be sure, that if the House of Commons determined not to purchase the building, there would not be the slightest difficulty on their part in proceeding to fulfil what would be a virtual undertaking, although it might not have been an absolute bargain. He felt bound

to pay the tribute of his admiration to the eloquence and the gallantry with which the opposition to the Vote had been conducted. When, however, the noble Lord (Lord Elcho) assured the Committee that no one was more friendly to any well-digested scheme for the promotion of science and art than himself, he felt obliged to look to the antecedents of his noble Friend. His noble Friend occupied rather too long in the process of digestion in these matters—so much so that the cause he was digesting ceased to be before the House. In 1848 his noble Friend took a leading part in discussing the subject of the National Gallery. In 1853 his noble Friend acquiesced in Hyde Park as the site of a new National Gallery, and thought it ought to be proceeded with at once. In 1856, when Sir George Lewis, as Chancellor of the Exchequer, rose to move the second reading of the Bill for that purpose, his noble Friend proposed that the question of the site of the National Gallery should be referred back to a Royal Commission. That Commission decided that the National Gallery should be retained in Trafalgar Square, where it still remained. The party of action in science and art had therefore good reason to pause before they followed the leading of his noble Friend. With regard to the adaptability and permanency of the Exhibition, various authorities had been referred to. On the one side, the Committee had the estimate of Mr. Hunt; but then the Report of Mr. Mallet was adduced to crush the estimate. He deeply regretted that the Royal Commissioners of 1862 had been so far wanting in common sense and in a due regard for their own interests as not to accept the offer of Mr. Mallet's services at the remuneration he named. Then there was the opinion of Mr. Fowler, who was at the very top of his profession. It was a question between Mr. Fowler and Mr. Mallet, and he would ask hon. Members to whom they would give the palm. No one had greater reason to lay stress upon the opinion of Mr. Fowler than his hon. Friend the Member for Galway. A great deal had been said about that old bugbear of science and art at South Kensington. The hon. Gentleman opposite had said that it was not *littérateurs*—not men of science or art that were at South Kensington, but a mere set of toadies. But what was the opinion of the hon. Member for Galway? In March 1862, he (Lord H. Lennox) addressed the House on the question of the British Museum, and his hon. Friend (Mr. Gregory)

supported him in a very eloquent speech, and expressed himself thus—

“Kensington Museum was really a case in point, where there was thorough vigour, efficiency, and responsibility. [*Laughter.*] Hon. Gentlemen who laughed might think it did not carry out its objects, but he considered that it did, and he approved the principle upon which it was founded. At all events, no man could say that the Kensington Museum was not carried on with a vigour and efficiency which put to shame the older institutions.” [3 *Hansard*, clxv. 1781.]

In addition they had the approval of the foreign Commissioners of the Exhibition of 1862, including M. Merrimée, M. Michel Chevalier, the great political writer, the deputies from the city of Lyons, the Austrian Commissioner, who announced that his Master had ordered that an institution on precisely similar principles should be founded, and the Italian Minister, who said that the King of Italy had decided to establish an institution on the same basis. Therefore, he thought the bugbear of the Kensington Museum, or “The Brompton Boilers,” should not be allowed to enter into the question. He came next to the great point of discussion to-night, and he at once gave up the noble Lord at the head of the Government and his idea of stucco. He was quite sure that his noble Friend (Lord Elcho) was mistaken when he stated that Captain Fowke was quite satisfied with that idea; for Captain Fowke said that he should deeply lament the use of stucco. With respect to the possibility of beautifying the building, when Mr. Scott's opinion that it could be ornamented was quoted, it was received with derisive laughter. Mr. Scott thought it was quite possible to decorate the building by the use of rough brickwork, relieved by a dressing partly of stone and partly of terra cotta, with the addition of granite and other materials, and that a most satisfactory result might be produced, provided always the treatment of the design was artistic and well carried out. He (Lord H. Lennox) would suggest that competition should be invited, and that a sum not exceeding £180,000 should be granted. But admitting that, they would thus have a building which would cost in all about £500,000. If they pulled down the present building and erected another, the new structure would cost at least £2,000,000 at the ratio of the cost of the British Museum. But he had quite another authority, and that was, the very Report of the Institute of British Architects. They said that a very plain building of solid stone would cost at the rate of £100,000

an acre. They had sixteen acres, so he would leave the House to calculate what the cost would be. The question seemed to him to be surrounded by a great deal of passion and prejudice. Among the many objections taken to it was one he wished to treat with very great delicacy, but which he thought could not be passed over, because from its insidious nature it was not the less dangerous. The charge was made distinctly by only one hon. Member, but other hon. Gentlemen had alluded to it. The hon. Member for Brighton, however, boldly designated it as a "Court job." He did not know what the hon. Member meant by a "Court job;" but if he meant that he (Lord H. Lennox) wished to see carried into effect the various plans advocated by the Royal Commission, and which bore the signature of the late Prince Consort, he was certainly influenced by a "Court job." But the hon. Gentleman altogether overlooked the fact that the Report of the Royal Commission was signed by other names. He would find appended to it the names of Robert Stephenson and Richard Cobden, and he (Lord H. Lennox) did not think that either of these gentlemen would have put his name to a "Court Job." On a question of fortification, whose name and opinions were usually referred to? Were they not those of the late Duke of Wellington? On a matter of finance did they not quote the late Sir Robert Peel? And why not then refer a question of science or art to the name of a man who had done more than any one else for science and art in this country? Hon. Gentlemen knew that there was a time when the words science and art were never heard of in that House; but now the crowded benches of the House, whenever questions of science and art came under discussion, testified to the position which they had assumed. Now, he was of opinion, that if they lost that opportunity, the youngest man among them would never see any progress made towards the housing of those collections which everybody admitted had reduced the British Museum to a state of chronic suffocation and congestion. He was not in a position to state what exact partition of the building should be made as the best arrangement. But he was sure the Chancellor of the Exchequer would give a pledge that no further steps than were necessary for housing those collections should be taken without the full sanction of Parliament, and that he would thus remove all doubt as to his intentions. He saw before him a

*Lord Henry Lennox*

very strong array of Gentlemen who were anxious to pull down the Exhibition Building. He saw his gallant Friend opposite (Mr. Bernal Osborne), who was trying to pull down a building stronger and more ancient, and he hoped his hon. Friend would keep his eloquence and powers of attack for the Irish Church. Having said so much, he would merely add that he hoped the explanation which his right hon. Friend the Vice-President of the Privy Council would give to the House would do away with the difficulty that had been raised as to the removal of the building, and would show that it was merely a mare's nest of the Chancellor of the Exchequer, by which the House would not be deceived.

Mr. GREGORY said, that although the Chancellor of the Exchequer commenced his speech in a very grave and solemn manner, and begged the Committee not to be led away from the direct consideration of the question before them, he occupied some minutes in attacking Mr. Mallet, into whose birth, parentage, and education he appeared to have made the most minute inquiries. The right hon. Gentleman attacked him for saying that Mr. Mallet was employed by the late Sir Charles Barry; but the hon. Member for Bath (Mr. Tite) had proved that such was the case. [The CHANCELLOR of the EXCHEQUER made a gesture of dissent.] The right hon. Gentleman shook his head; but the hon. Member had stated it to his face. If the right hon. Gentleman had made further inquiries, he would have found that Mr. Mallet was a man of the highest reputation in Ireland, where he had constructed a large number of bridges of great mechanical merit; among others, one over the river Nore, and only the other day Sir Charles Fox told him that he considered Mr. Mallet a man of the very greatest ability as a practical engineer. The right hon. Gentleman laughed at Mr. Mallet, and mentioned to his disadvantage the fact that he had written a scientific treatise upon earthquakes. If any one were to remark upon the right hon. Gentleman's having written a book upon theology, or one containing profound theories about Homer, or upon his having gone down to Wales to deliver a lecture upon the Volunteer system and military tactics, he would have regarded it as a very illiberal proceeding; and equally illiberal was his own conduct in alleging as against the credit of Mr. Mallet that he had published a treatise upon earthquakes. His noble Friend the Mem-

ber for Chichester (Lord H. Lennox) attempted to make it a question between Mr. Fowler and Mr. Mallet. It was nothing of the kind. The only question was, whether the statements which Mr. Mallet had made in the letters which were read to the House were true or untrue. Every one of those statements was true. Every word which he had said was confirmed by the Petition of the Society of Architects, and even by Mr. Hunt himself. The right hon. Gentleman said, that he had heard that Mr. Mallet, who had occupied far too much of the attention of the House, had only been five or six times in the Exhibition Building. [The CHANCELLOR of the EXCHEQUER: I did not say so.] The right hon. Gentleman quoted from a letter. [The CHANCELLOR of the EXCHEQUER: No.] If his ears did not deceive him, the right hon. Gentleman read a letter in which the writer said that Mr. Mallet was not employed at the Exhibition, and only visited it five or six times.

THE CHANCELLOR of the EXCHEQUER said, that the letter from which he had read referred to the employment of Mr. Mallet at the Houses of Parliament.

MR. GREGORY said, he would then dismiss that subject, only adding, that Mr. Mallet had ample opportunities of knowing everything connected with the building, because he happened to have been the editor of the *Exhibition Record*. His noble Friend (Lord H. Lennox) had accused him of inconsistency in regard to the observations which he had made upon the class of persons who had possession of Kensington, because he last year said that the Kensington Museum was efficiently conducted, and that a vast deal of energy and spirit was displayed in its management. There was no discrepancy whatever between these two observations. He adhered to his statement, that there was a great deal of vigour and success in the administration of that Museum. What he objected to on the part of those people was the encroaching, pushing, and grasping spirit which led them to travel out of their own establishment, and endeavour to get all the institutions and all the museums of London under their management. Many different opinions had been expressed in the course of the debate upon the subject of the building, and upon the merits and demerits of stone. His noble Friend below him (Lord Elcho) and himself would, no doubt, be accused, with much clamour and rancour, of attacking the reign of

stucco over our public buildings. Earl Granville said the other night, in another place, that stucco was a thing of beauty; that it had a grace and a charm peculiar to itself, in which he entirely agreed with the noble Earl, and that its application would be of great advantage to the public buildings of this country. He believed that a belief in stucco—perhaps the right hon. Gentleman would deny it if it was not so—was one of the “credos” of the Kensington School. Notwithstanding these differences, one universal opinion had been expressed, both in the House and out of it, and in almost every journal that he had read, since the discussion in another place the other night, with regard to the conduct of the persons who were connected with all these transactions. In that discussion they were warned that they had bought the land, and that the building could not be removed. In speaking of the persons connected with these transactions he was not going to allude to all the fussy agitations and perpetual endeavours to recommend the building to the attention of the public. He was not going to allude to or comment upon the liberality of the contractors in letting off the guarantors, or in giving a large sum of money towards a new floor for a ball the other night; nor should he dwell upon the mystery, or rather the mystification, which had been practised with regard to the value of the materials of which the building was composed. What had been universally blamed was the total want of respect with which the House of Commons had been treated, in the first instance, by the Estimate being pitched before them, and their being told to accept it; and, in the second, in their being allowed and recommended by the Government to buy the land with a building of that description upon it, of the faults of which, if the Government were ignorant, great and culpable was their ignorance; and if they were not, then they were still more to be blamed, because they had practised upon the House a palpable deception, and having deceived it into a bad bargain, turned round and said, “You have made your purchase, and cannot get out of it; the best thing for you to do is to throw good money after bad.” The other night the Chancellor of the Exchequer made a great onslaught upon him, and those who read or heard the right hon. Gentleman’s speech no doubt thought that the right hon. Gentleman had lost the equanimity

of his temper. But he knew better. He knew that the right hon. Gentleman was unable to answer the objections which had been urged against the building, and therefore thought that the best thing to do was to work up a great deal of indignation against Mr. Mallet for having attacked Mr. Hunt, which he never did, and to accuse himself of fertility of imagination, and a great many other things, so as to lead the House from the consideration of the real question before it. Among other things, the right hon. Gentleman charged him with having confounded the Patent Office with the Patent Museum. He had not done so. If there was any confusion, it arose with the noble Lord at the head of the Government, who said, "In the first place, we want a Patent Office and Museum." He thought, when he heard the noble Lord speak, that his ears deceived him, for he believed it to be utterly impossible that the Government should have the intention of removing the Patent Office from an accessible position and carrying it down to Kensington. However, the noble Lord did propose the removal, on the ground that the models belonging to the Patent Office were at the present moment at Kensington. They were, however, removed there merely for a temporary lodging. As many as 909 of these models were stowed away at Kensington, and only 108 of them belonged to the Commissioners of Patents. The others belonged to private individuals, who were determined that their property should never form part of the stuffing of the great shed at Kensington. In their last year's Report the Commissioners stated that memorials from Sheffield, Glasgow, Leeds, and Bradford, had been sent up to the Patent Office, praying that the library and museum should be kept together with the Patent Office; and the Commissioners intimated their opinion that they all should be under the same roof and situated in a central position, so that they might be easily accessible to the class of persons who would have occasion to frequent them, such as barristers, engineers, inventors, and skilled workmen. The Chancellor of the Exchequer appealed to their feelings of emulation and pride, and mentioned the great size of the Patent Museum in America. The reason why the American museum was so large was because the American law required, that in addition to the specifications, there should also be deposited at the museum the models, drawings,

samples, &c. The English law, on the other hand, required only the deposit of the specifications. A greater collection of rubbish was never beheld under one roof than that to be seen in the American Patent Museum, and it was a warning against constructing a similar building in this country. When he mentioned on a former night the existence of a fund for the erection of a Patent Office and Museum, the Chancellor of the Exchequer, waxing merry, said he had a very fertile imagination. Yet it appeared from the Report of the Patent Commissioners, among whom were the Lord Chancellor, the Attorney General, the Solicitor General, and Sir John Romilly, that in 1862 there was an estimated surplus income of £40,000. The surplus in the present year would probably be £40,000 more; so that the surplus income in the present and succeeding years, upon which the right hon. Gentleman had no claim, might in the first instance be applied to the erection and maintenance of the necessary buildings, and after that might go in diminution of the heavy fees in connection with patents. The Portrait Gallery was to go to Kensington, because the gallery was the only part of the Exhibition building that was decent; and putting the best foot foremost, the promoters of the scheme were obliged to put something in the gallery; but to remove those portraits to Kensington would, he maintained, be a direct breach of faith, for in the Address moved in 1856, by Lord Stanhope, the House prayed Her Majesty to be pleased to take into consideration the expediency of forming a gallery of portraits, in connection with the site of the National Gallery, and every Vote which had been since granted had been granted on the faith of that arrangement. Now, there had been a great deal of mystification and shifting of figures, and much said about what they required at present, and were likely to require, in dealing with the question at issue. If, however, the Government were determined to persevere in their proposal for purchasing the Exhibition, he would pin them to the scheme in its entirety. He would not be satisfied with any announcement that they meant to buy one slip or slice of the building, and to hack away another. It was the merest nonsense to talk of separating various portions of it after that fashion, and he wished, before he sat down, to place the matter, in a few words, in the clearest light before the Committee. The noble Lord at the head of

the Government had, the other day, made a statement with reference to the figures involved, which enabled him at once to do so. The noble Lord fixed the purchase money of the building at £80,000, and allowed £286,000 for the necessary repairs, making a total of £366,000. "If, on the other hand," said the noble Lord, "we build separate museums to the extent which we require, this will be our expenditure:—We shall want £100,000 to build *de novo* a Patent Office, £240,000 for a Natural History Museum, £40,000 for additional extensions at South Kensington, and £25,000 to build a new Portrait Gallery." That was a clear and intelligible statement, and the sum total of the outlay for those separate Museums was estimated by the noble Lord at £405,000. But the cost of the Exhibition building was, as he had already mentioned, to be £366,000, whereas they might have new buildings—permanent, stable, decent, respectable buildings—for £405,000, or £39,000 more than the present estimate. That he did not think was too large a price; but if he were to deduct from the £405,000, as he thought he was entitled to do, £100,000 for the Patent Museum, and £25,000 for the Portraits, which would have to go wherever the future National Gallery of pictures stood, then the amount required for the accommodation of the Natural History collection—£240,000—and the £40,000 for providing additional accommodation at Kensington, would make in all only £280,000 or £86,000 less than the sum which the Committee was asked by the Government to vote. His noble Friend opposite had observed, that if a new building were erected, of the same proportions as that at Kensington, and on the same scale of expenditure as the British Museum, it would cost £2,000,000; and in that opinion he entirely concurred, for a more ill-arranged and extravagant structure had, he believed, never yet been raised than the British Museum, in the case of which they were paying the penalty of not having consulted those who had charge of the different collections when the building for their reception was commenced. What he would urge upon the Committee, therefore, was to build where to build was necessary, but then to build only for what they required. By adopting that course they would avoid the risk of having every institution in London swept down to Kensington, and would secure something well suited for the reception of the national

collections, instead of having on their hands a rickety building which would probably some day tumble down about its contents. Mr. Hunt, in his report, said that the building was a "substantial structure;" but what did he mean by that? The roof required repair; the skylights, he said, should be replaced with others; and even the drains required repair. The right hon. Gentleman the Chancellor of the Exchequer, in speaking of that building, would lead the Committee to believe that the drainage was very satisfactory, wonderfully dry and fit to receive any collection; but he understood most distinctly that such was not the case, and that after a heavy fall of rain there was to be found a large accumulation of water underneath. In short, all the objections which he had stated on a former occasion, had been fully borne out by the Report of the Institute of British Architects. The House of Commons, he might add, was accused of meanness and illiberality in voting money for such objects as that to which it was proposed the Exhibition Building should be devoted; but such was not a correct statement of the case. If the plans and specifications were duly submitted to it, and if it saw clearly that a good work was to be done, the House of Commons was invariably ready to grant money for such purposes. He trusted, however, the Committee would reject such a proposal as the present; and it would do so if hon. Members did not wish to sanction what would be a permanent disgrace, and to see science and art and all the foolery of Bartholomew fair mixed up together. He looked with confidence to the right hon. Gentleman the Member for Buckinghamshire, and those who sat with him on the same bench, to oppose the proposition of the Government, because he recollected the yearning for economy which marked the close of one of his speeches last year, when he said that the main characteristic of the Liberal party was the liberal manner in which they taxed the pockets of the rate-payers of this country. The proposal under discussion was, he believed, one of an extravagant character, inasmuch as no one knew where would end the expenditure which it would entail, and he sincerely hoped, therefore, the right hon. Gentleman and his friends would give effect to sentences, the expression of which he felt assured was not meant to fall as mere idle words on the ear of the House of Commons.



SIR STAFFORD NORTHCOTE said, he had seldom been more disappointed than in the expectations which he had been led to form at the commencement of the debate with regard to the promise of the Chancellor of the Exchequer, that they should have "a business-like debate" on that occasion. If, however, the various speeches which had been made that evening had been marked by very little of the business-like tone, the right hon. Gentleman himself was the chief offender, inasmuch as he had entered into several matters and made several observations which were distinguished by anything but a business-like spirit. Now, there never was an occasion when it was more important that a question should be treated in a business-like manner. It was a question which involved the meeting of a public demand for purposes long recognised as essentially necessary, and a large expenditure of money. It was therefore important that the Government should have come forward with a clear and definite proposal which they were prepared to stand by in its integrity; and if it were possible that the question could be made more important, it had been so made by the course which the Government had previously taken. In the course of the previous year the Chancellor of the Exchequer had come to the House with a measure which was very different in many respects from that which the Government now proposed; he had asked them to pass a Bill to remove some portions of the collections in the British Museum to South Kensington, though not to the site now referred to. He had then said that he could give them no account of the expenditure necessary, and the result was, that after hearing his explanation, they had found themselves unable to support his proposition, and it had been thrown out by a considerable majority upon the second reading. It was impossible, also, to forget that this year a day had been appointed with considerable solemnity for proposing to the House a plan and estimate for the purchase of the site and building, and for adapting the building to the purposes in view; but that when they came to discuss the plan in its entirety, the main portion had been suddenly withdrawn, and they had been asked to vote the purchase of the site alone, by which they had been led to infer that the purchase of the site and the purchase of the building could be separated. The subject was not discussed on that occasion in a

*Mr. Gregory*

business-like manner, and at an early hour the House, by a large majority, had voted in favour of the portion of the plan which was thus submitted to them, without listening to the arguments which hon. Members on both sides of the question were anxious to urge, and which would have gone to show that one portion of the plan was closely connected with the other. And now this evening they found, as had been foretold, that the vote taken the other evening was pressed against them, and that circumstances existed, of which the Government had said nothing on that occasion, which put it out of the power of the House to do other than buy the building, because there were no means to compel the contractor to remove the building, and the site which they had bought was incumbered with it. In that state of things it was peculiarly important that the Government should have come before the House with some clear and definite proposition, which in its entirety they were ready to vouch for, and for the details of which they were prepared to be responsible. But having listened very attentively, and with no unfriendly ear, to the statement of the Chancellor of the Exchequer, he was sorry to find that his proposal was one which it was extremely difficult to look upon as complete. It was proposed to take one or two portions of the building, which they were told were extremely well-fitted for certain purposes; but nothing was said as to whether the other portions were to be made use of or were to be pulled down. The question of the domes and the question of the external decoration were to be left in suspense, and he thought it most unsatisfactory to vote upon an arrangement which would leave to future years the decision what to do with those other portions of the building to which he had referred. He believed that the real objects of the Government were worthy of support, and he regretted that they should have been put forward in a form so likely to meet an unfavourable reception. The opposition was conducted by Gentlemen of very great ability, who, however, took very different views of the considerations by which they ought to be guided. A certain number of Gentlemen advocated the doctrines of economy, and would restrict that sort of expenditure to the smallest possible amount. On that ground, he believed many voted against the proposition the other night. Though he thought that many hon. Members had come to these conclusions upon mistaken premises, yet he believed that many who voted against

the purchase of the site did so to stop expenditure upon those objects which the Government represented as important. But there were other Gentlemen who objected to the plan of the Government, because they were anxious, not for economy, but for a building of greater beauty and ornamentation, which meant greater expenditure. His noble Friend the Member for Haddingtonshire argued, that if the Government were going to do something for science and art, they should remember that architecture was one of the arts, and the general tenour of his speech, and of those who had taken the same line, was that such a building as the Exhibition building, or such a building as it might be made, was unworthy of the national taste, and not sufficiently beautiful. He could quite understand those who desired to promote the ornamentation of the metropolis, and the erection of magnificent structures regardless of cost, taking that line of argument; but the advocates of economy should be cautious how they connected themselves with hon. Gentlemen of such æsthetic tastes, who were likely in future years to be the great advocates of expenditure. He was anxious to avoid any personal discussion, and he regretted that personal matters should have been imported into this debate. He would therefore only notice one matter, and that was the observation of his noble Friend the Member for Haddingtonshire, that stuccoing the building would be like the painting of Madame Rachel, and only make it beautiful in the eyes of the Government and Captain Fowke. He was sure that it was an unintentional misrepresentation, and that his noble Friend had overlooked the words in Captain Fowke's Report as to stucco—"that he should lament extremely the use of such a material." It was unfair to charge Captain Fowke with a preference for the use of stucco, when he had so carefully guarded himself against being supposed to approve it. It was necessary that some provision should be made for the Patent Museum. It was true the hon. Member for Taunton (Mr. Cavendish Bentinck) said he had never heard a Patent Museum mentioned; but the attention of the House and of the country had long been directed to the question, and it was necessary that some provision should be speedily made. It was also necessary that they should relieve the British Museum of a large part of the collection lodged there for which there was no longer any room. He did not put the Portrait Gallery in the front rank, and

thought it was rather unfortunate that so much prominence had been given to it. [*Cries of "Divide!"*] He was extremely sorry to weary the Committee. He must, however, remind hon. Members that on the former occasion great impatience was manifested to divide for the dinner-hour, and the consequence was that the Vote was taken without sufficient consideration. He was not speaking without a practical object. [*Ironical cheers and laughter.*] It was his intention to move an Amendment. [*"Oh!" and "Move!"*] It was necessary to explain the grounds of that Amendment. [*"Oh!" "Divide!" and "Order!"*] They had purchased the site at Kensington on terms which were very favourable to the Government. [*The hon. Gentleman continued to speak for several minutes amid cries of "Divide!"*] As it was hopeless to obtain a hearing, he should move the adjournment of the debate.

MR. LOWE was cheered when he rose, and said, he accepted that cheer as a compliment to the Department he had the honour to represent. He wished to make an explanation, in answer to the hon. and learned Member for Taunton, who said he could not help suspecting that the Exhibition building was erected with a view to making the public buy it. That was quite a mistake. An engagement was entered into between the Commissioners of 1851 and the Society of Arts, by which the building was to be reserved for the purposes of future Exhibitions. [*"Divide!"*] That reservation, however, depended on the success of the Exhibition. If there was no surplus, the building was to revert to the contractors. [*The rest of the right hon. Gentleman's explanation was rendered inaudible by the cries of "Divide!"*]

MR. HUNT said, he rose to order. He could not vote unless he was able to hear the Chairman put the question.

LORD ROBERT CECIL said, he would entreat the Committee to conduct the debate in a more orderly manner. They ought not to check a legitimate discussion by mere inarticulate noises. Keenly opposed as he himself was to the proposal of the Government, he held that they ought to hear what could be said for it.

MR. DISRAELI: I will not detain the Committee a minute. I do not desire to enter into the general question, but merely to offer my advice with humility to the Committee, at a moment when they seem to be entering on a course for which, I think, they will afterwards be sorry. I

was not present on the former occasion, and am not, therefore, responsible for the division which then took place, and which I believe both sides of the House now regret, from the precipitation with which it was arrived at. It is acknowledged, I understand, that there was a great want of discussion on that occasion. At present, I wish to point out to the Committee the inconvenient position in which they may place themselves. The Government have brought forward a measure of considerable importance. As yet no Gentleman on this bench has spoken on the question before us, although we have been challenged by several hon. Members to state our opinions. My hon. Friend the Member for Stamford (Sir Stafford Northcote) rose to state the reasons why he opposed the Motion, and to offer an Amendment of considerable weight, the gist of which was, that the question should be referred to a Select Committee of the House. [*Cries of "No!" and "Divide!"*] It is only fair that that Amendment should be properly considered, as there are reasons of great weight to be advanced in favour of it. The course which the Committee has taken in refusing it a hearing, is one which I am sure it will, on reflection, feel is not consistent with Parliamentary practice. [*"Divide!"*]

SIR HENRY WILLOUGHBY said, he doubted whether the Amendment would have been in order.

MR. DISRAELI: I am unwilling, in the excitement of the Committee, to enter into details. I may say, however, that the Amendment of my hon. Friend would have been perfectly in unison with the Orders of the House. It was an Amendment to reduce the Vote; but with the ulterior view of sending it to a Select Committee. [*"Divide!"*]

SIR ROBERT CLIFTON said, he believed that the Vote was utterly repugnant to the whole country; and therefore he contended there ought to be no reduction in the amount of it. He would urge the Committee to come to an immediate decision on the Vote itself.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Sir Stafford Northcote*,)—put, and *negatived*.

Original Question again proposed.

SIR STAFFORD NORTHCOTE said, he intended to propose that the Vote be reduced by the sum of £25,000. He

*Mr. Disraeli*

wished, by moving that Amendment, that the Government might have an opportunity of purchasing the building [*Cries of "No, no!"*]; and then that steps might be taken, either on the initiation of the Government or any hon. Member, of moving for the appointment of a Select Committee for the purpose of inquiring into the question generally. The right hon. Gentleman concluded by moving that the Vote be reduced to £80,000.

Motion made, and Question proposed,

"That a sum, not exceeding £80,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1864, for the Purchase of the existing Exhibition Buildings at Kensington Gore from the Contractors, and for repairing, altering, and eventually completing the said Buildings."—(*Sir Stafford Northcote*.)

MR. HENLEY: I shall shortly state to the Committee the reasons for the vote I am about to give on both the propositions now before us. I came down to the House to-night with every disposition, if I could, to hear something in the speech of the Chancellor of the Exchequer to enable me to support the proposal of the Government; but I am bound to confess that from the beginning to the end of that speech it completely removed any and every doubt I might have had before. I therefore feel compelled to vote against the Government, and I feel equally compelled to vote against the Amendment of the hon. Member for Stamford. That Amendment, as well as the proposition of the Government, would pledge the House to an expenditure to which I can see no end, and for which the Government have no plans. I am compelled to say, with great regret, that the course the Government have taken with respect to the land makes one suspect everything connected with the proposal. What has been the statement of the Chancellor of the Exchequer to-night with regard to the land? He has raised up a multitude of difficulties—whether real or imaginary I do not know—of which we heard not a single word when we were asked to vote the money for the purchase of the land. It is to be remembered, moreover, that the proposal was brought forward in the first instance upon a joint Estimate; the whole money was asked for at once. Suddenly, without warning, the noble Lord the Prime Minister cut the Estimate into pieces, but gave us no inkling that there would be those difficulties connected with the land, be they

real or not, which occupied so large a portion of the speech of the Chancellor of the Exchequer to-night. Now, I believe that this House, when a plain, straightforward statement is put before it, does not mind the expense, if it sees it is for a good object, likely to be carried out in a proper way. Something has been said to-night about the probability of great architectural expense being incurred hereafter if we vote against this proposition of the Government; but in what position would that proposal, if carried, leave us? The Government propose to take the rough shell of this building, and to occupy a little less than five acres of it, leaving the rest to be operated upon hereafter by gentlemen of taste or of no taste; and in all likelihood we may be told at some future time, "Oh, you have already used about five acres, why not make the other portions available?" Here I must say that we have got into a curious way lately of dealing with buildings by the acre. The upshot in the present instance is that we have no security whatever that the whole building may not be treated in the most costly style. In fact, the Chancellor of the Exchequer read to us a letter, in which the writer, an architect, says that this building is "susceptible"—I think that was the word—of great ornamentation. I recollect once seeing a mountebank with a black woman, who was susceptible of a great deal of ornamentation. He said, "I can make her white, and I can make her red; but do what I will, I can't make a handsome woman of her." I am afraid that Mr. Smirke, do what he may to ornament the Exhibition building, must still leave it like that unhappy black woman: he cannot make it handsome. Look at another proposal of the Chancellor of the Exchequer. He says, "See how cheap you have got these five acres of building; how very handy it will be for the Portrait Gallery, the Patent Museum, and certain portions of the British Museum." That is something like a man buying an estate cheaply—say for £1,000—but finding that he has an expensive bridge to keep up *ratione tenuræ*. If we agree to the proposal of the Chancellor of the Exchequer, we shall have ten or twelve acres to keep up more than we want—by no means a very wise or economical arrangement. I shall vote against it, and its rejection will give the Government time, with their hands free and with our hands free, to re-consider the matter between this and the next Ses-

sion of Parliament. If they can see their way to point out how this building can be usefully applied; if they can lay before us proper plans and estimates; if they can look straight forward to the end—ascertaining precisely what sum they will have to spend and to what use the money will be put—I, for one, will be ready to consider their proposition, with every disposition to agree to it, if possible. But I am not prepared to vote the sum they now ask for and to embark on an expedition to which I see no limit; and I am still less disposed to embark on it after the very unsatisfactory way in which the Government have treated the House. I equally object to the Amendment of the hon. Member for Stamford, because it would equally embarrass the House. The same reasoning applies to both; for if we spend £100,000, we may as well go the length of £120,000. I think the best course the Committee can pursue is to allow the Government in the recess to re-consider the whole question. If they can submit a proper case to Parliament next Session, I have no doubt Parliament will agree to it; but I do not think they can say themselves that they have put the matter before us on the present occasion in such a way as to enable us to record our votes in their favour.

SIR MORTON PETO was understood to assure the Committee that Messrs. Kelk and Lucas, if the Committee refused the Vote, would not retain possession of the ground an hour longer than was necessary.

THE CHANCELLOR OF THE EXCHEQUER: I am very reluctant to intrude myself on the Committee, but after what has just been said I think it absolutely necessary that I should say a few words. No motive of self-love on the part of the Government would induce us to decline to accept the Amendment, but I am bound to say that from the indications given by the Committee it seems not very likely to meet with support. If the Committee divide on it, it would probably not be very easy for the Committee to understand the exact position in which it was placed, and I think it would be better on the whole, therefore, if it were withdrawn. There are two points on which the right hon. Gentleman opposite commented in terms of undeserved severity. He seems to think that the Government have practised some concealment, by which the Committee is now placed in some difficulty with regard to the purchase of the land. On the contrary, those difficulties

are, in the main, of a nature which every one in the Committee could comprehend just as well as I could. ["Oh! oh!"] On the very first occasion when it occurred to my mind that there would be a certain amount of difficulty in consequence of the want of a specific contract with the contractors, I took the earliest opportunity of stating it to the House. We had not examined the subject. ["Oh! oh!"] It had no relation to our proposal; it had relation to the proposal pressed on us by this House, and to which we acceded out of respect for this House. What did I say upon the subject? I said it was not likely that you would get possession of the land before 1865, and it would be difficult, even if you had a contract, to get possession of it before 1864. I never supposed for a moment that Messrs. Kelk and Lucas would make a vexatious use of their power; but what I anticipated was, that, like men of business, they would look out for a proper market for their materials, and that they would endeavour to obtain the time necessary for seeking that market. The real difficulties do not arise out of the want of a contract, but out of circumstances of which the right hon. Gentleman is just as competent to judge as I am. The right hon. Gentleman says that the Government have not a clear and distinct proposal to offer to the House, but I say that our proposal is perfectly clear and distinct. We propose to deal with  $4\frac{1}{2}$  acres of the land, reserving the question of the  $12\frac{1}{2}$  acres for future consideration. No pledge whatever is involved; and if you think fit that the building on the  $12\frac{1}{2}$  acres shall be removed, it can be removed, and you will receive a considerable sum of money.

SIR STAFFORD NORTHCOTE said, he would withdraw his Amendment, reserving to himself the power of moving a reduction hereafter if the Vote were carried.

Motion, by leave, *withdrawn*.

Original Question put.

The Committee *divided*:—Ayes 121; Noes 287: Majority 166.

House *resumed*.

Committee report Progress; to sit again *To-morrow*.

## FORTIFICATIONS AND WORKS.

### COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

*The Chancellor of the Exchequer*

THE MARQUESS OF HARTINGTON said, he was perfectly aware, that if the House were unwilling that the first stage of the Bill should be taken that night, it would be useless for him to attempt to press it. They had, however, now arrived at a somewhat late period of the Session, and the Government thought it would be for the convenience of those hon. Members who took an interest in the question if the House would go into Committee upon it, after which full time might be afforded for the discussion of the details of the measure.

SIR JAMES ELPHINSTONE said, that at that period of the evening, and after the long and exhausting discussion which the House had gone through, so important a question as that of the fortifications ought not to be brought forward. The fortifications had been entered upon most hastily, and ought not now to be proceeded with until the pending questions respecting artillery and ships had been settled one way or the other. The works had arrived at that point at which they could conveniently be suspended until that essential question was settled. He therefore begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

MR. AYRTON said, he thought that it would be well to go into Committee *pro forma*, in order that they might hear the statement of the noble Lord and know what the Resolution was.

SIR MORTON PETO said, it had been generally understood, that after the noble Lord's statement the House would be allowed a week to consider the question before they were called on to come to a vote.

SIR GEORGE GREY said, that his hon. Friend (Sir Morton Peto) was right. The House could not conveniently enter into a discussion on the question till the Bill was before them, and therefore he thought the best course would be to go into Committee in order to give his noble Friend an opportunity of making his statement and moving the Resolution on which to found the Bill.

SIR HENRY WILLOUGHBY said, he wished to point out, that if the House went into Committee, they would be called on to give their assent to the Resolution on which the Bill was to be founded.

MR. BERNAL OSBORNE said, he had no intention of opposing the course proposed by the Government; but he must

point out that the Government had been guilty of a great irregularity in not having placed the Resolution on the paper.

THE MARQUESS OF HARTINGTON said, that as so many hon. Gentlemen seemed to be against going into Committee that night, the Government would postpone the Order till the next day.

Motion and Original Question, by leave, *withdrawn*.

Committee thereupon *deferred till Tomorrow*.

# DUCHY OF CORNWALL MANAGEMENT (1863) BILL (*Lords*)—[BILL 182.]

## SECOND READING.

Order for Second Reading read.

SIR WILLIAM DUNBAR : — The Duchy possessions, as the House is aware, were conferred by Edward III. on the Black Prince and the heirs of the Crown, being Dukes of Cornwall. The charter conferring the estates, which is one of a peculiar character, contains among other restrictions an express provision rendering the property inalienable. So strictly were the intentions of the founders interpreted, and especially in this latter respect, that as far back as the time of James I., I believe in the 20th or 21st year of the reign of that monarch, a question arose whether, consistently with the restrictions imposed by the charter, leases could be granted by the then Prince of Wales that would be good beyond his own tenure. To remedy the practical inconveniences and uncertainties thence arising, it became the practice of Parliament, on each successive devolution of the Duchy, to pass what were called Duchy Leasing Acts. By these Acts the owners of the Duchy for the time being were empowered to make grants, either in possession or reversion, dependent upon lives, on which fines might be taken and the revenues anticipated. I need not tell the House that these powers, which continued down to the birth of the Prince of Wales, in due time bore their legitimate fruits in the serious depreciation of the value of the Duchy estates. From 1783 to 1830, when the late Prince of Wales, George IV., was in possession of the Duchy, the fines taken upon the renewal of leases amounted to about £370,000. In the year 1810 the fines received by that Prince exceeded £69,000, £55,000 of which was a single payment, by way of fines, on the renewal of the lease of a single estate.

Again, from 1820 to 1837, when William IV. was in possession of the Duchy, the fines amounted to £171,000. These several amounts passed to the privy purse of the Duke of Cornwall or the Sovereign, and tended materially to diminish the income derived from the property—so much so, that on the accession of Her Majesty the income did not much exceed £11,000 per annum. Shortly after the birth of the Prince, however, a new system of management was introduced under the sanction of the Queen. A Council was appointed to administer the affairs of the Duchy, subject to certain rules prescribed by Her Majesty, which rules included the important restriction that grants for lives, or otherwise than for a term of years, should be discontinued, and the practice of taking fines upon the granting of leases should be abandoned. These instructions were strictly carried out. No fines upon farming leases have been taken during the minority of the Prince of Wales, and the result has been to increase the income of the Duchy from £11,000—which I have already stated it stood at on the accession of Her Majesty—to £50,000 per annum. Besides the large increase of income, accumulations have been made during the minority of the Prince, which in November last amounted to about £550,000. It was unquestionably in the power of Her Majesty to have appropriated the surplus revenues of the Duchy to her own uses during the minority of His Royal Highness, but with a self-denial which had not been practised by any former Sovereign under the same circumstances, Her Majesty directed that those revenues should, from time to time, be paid over to trustees and accumulated for the benefit of the Prince ; and, let me add, also for the benefit of the country, which would have been called upon to make a larger grant to His Royal Highness, but for the considerate forethought of the Sovereign of these realms. It must be obvious to the House, that although the instructions issued by Her Majesty were binding on the Duchy Council, they ceased to be operative on His Royal Highness attaining his majority—with that event all the powers which had been granted to and exercised by his predecessors revived in full force in his person if he felt disposed to act upon them ; for although a change in the mode of dealing with the Duchy property was in contemplation at the period when the last Duchy Leasing Act was passed in 1842, it was not thought advisable to make any alteration in the powers

which had been previously conferred by Parliament on successive owners of the Duchy in this respect, except with the sanction of His Royal Highness, which could only be given on his becoming of full age. Under these circumstances, and it being thought desirable that a system of management which had been attended with the beneficial results I have referred to, should not be discontinued, the Council deemed it their duty to insert a paragraph in their Report to Her Majesty (November last) to the following effect:—

“In an early part of our Report we have referred to the existence of powers under the Leasing Act of 1842, which was passed shortly after the birth of the Prince, enabling His Royal Highness to make grants either in possession or reversion upon which fines might be taken, and the revenues anticipated as his predecessors had been enabled to do, and thus to create anew the evils which the instructions issued by Her Majesty to the Council were intended to avert. The operation of these instructions will cease with the existence of the Council, and we deem it our duty before closing the Report very respectfully to advise your Majesty and His Royal Highness that these objectionable powers should be abandoned.”

It will be satisfactory to the House to be informed that Her Majesty and also His Royal Highness have promptly and cordially assented to that proposal—a proposal which, being embodied in this Bill, puts a limit, for the first time during the last two hundred years, on the extensive leasing powers hitherto granted to the Dukes of Cornwall. Let me farther point out to the House, that in relinquishing, as His Royal Highness cheerfully relinquishes, powers which have been exercised by his predecessors to his own hurt, but from the continuance of which he might largely have increased his own resources, he gives the best proof of his desire to subordinate his own immediate interests to the interests not only of his successors in the Duchy, but of the country. Henceforward no fines will be taken; no farm leases will be granted for more than thirty-one years, or for more than ninety-nine years in the case of building leases. I now come to another important provision of the Bill. The Duchy property, as is probably known to the House, is scattered in detached portions over various counties, entailing very great expense besides other inconveniences. With the view, therefore, of consolidating and economizing the management, an Act was sanctioned by the Legislature in 1844, whereby the Duchy Council were authorized to exchange and also to sell lands and to invest the money arising therefrom in other lands

which were to be annexed to the Duchy in the same manner as the original possession. The powers thus conferred have, from various circumstances, but chiefly in consequence of the bulk of the property being still held under beneficial leases, not until latterly been acted upon as extensively as is desirable. Estates to the value of £300,000 have been sold, and others lying adjacent and convenient to the Duchy possessions have been purchased; but as the powers have expired, it is proposed to renew them for thirty-one years—a period which it is believed will be sufficient for the purpose of consolidating and otherwise improving the condition of the Duchy estates. It is further proposed to enable His Royal Highness to apply a part of the monies realized by sales to the improvement of the estates, which, from their being held on long leases which are no longer renewable, will fall into hand in a condition more or less dilapidated. The sum to be so applied is limited to £30,000, which will be repayable in annual instalments spread over thirty years. The 11th clause in the Bill makes the sanction of the Treasury necessary to any exercise of the powers of alienation, and all purchases of estates, except in cases where the purchase does not exceed £500. The Bill further enables the Duke of Cornwall to settle disputed questions by arbitration or compromise, to accept the surrender of beneficial leases upon agreement, and to grant annuities on the relinquishment of any leasehold or other subsisting interest in the Duchy property, and also to make free grants of sites for schools and school-houses, burial-grounds, and chapels, whether in connection with the Established Church or Dissenting bodies. These are among the leading provisions of the Bill, and I am happy to be able to state that they have met with the acceptance and approval of those who take an interest in the satisfactory administration of the Duchy possessions. Though I have referred thus in detail to the management of the property, I have not attempted, because I feel that it would be presumptuous in me, to pass any encomium upon the illustrious Prince who so long and so ably presided at the Duchy Council Board—there, as elsewhere, he has left behind him substantial and abiding proofs of his great practical abilities and wisdom, of the far-reaching powers of his intellect, and of the disinterestedness of his motives; but having for some years witnessed the deep interest and unceasing

energy with which he applied himself to the management of the affairs of the Duchy, I trust that I may be permitted to express the hope—or rather, I would say I have the well-grounded conviction—that, stimulated by the example of his illustrious father, and endeavouring to emulate his great qualities, the Prince of Wales will, with the aid of the powers which it is proposed to confer by this Bill, make it the object of his earnest concern so to administer the Duchy property as to promote not only his own advantage—and in so doing the benefit of the country—but what is not of less importance, the well-being and happiness of that numerous body of persons—including the tenant and the labourer—who have just been brought into closer relationship with him by his succession to the Duchy.

MR. MONTAGUE SMITH said, he thought the Bill would provide for many of the difficulties which had been felt. He quite approved of the power of referring disputed questions to arbitration. Having had much experience in Cornwall, he could bear his testimony to the good management of the property in late years.

Bill read 2<sup>d</sup>, and committed for Monday next.

ELECTION PETITIONS (*re-committed*)  
BILL—[BILL 186.]—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LORD HENLEY said, he objected to the 18th clause, which really contained the principle of the Bill. It was an important subject, deserving much more attentive consideration than it had received. He would therefore appeal to the hon. Member not to press the measure.

MR. HUNT said, that the Bill had been somewhat narrowed in its scope by the Select Committee, but he had accepted the Amendments suggested by the Committee, and hoped that the House would pass the Bill.

MR. COLLINS said, that the 18th clause contained no machinery or funds by which the inquiry could be prosecuted. He would recommend his hon. Friend (Mr. Hunt) to withdraw the Bill for that Session, more especially as no dissolution of Parliament was pending, so far as he knew.

SIR GEORGE GREY said, he had stated, when the Bill was referred to a Select Committee, that he had no wish to defeat or postpone it. He believed that the Bill had been much improved by the Committee. It was for the hon. Gentleman the Member for Northamptonshire to determine whether he would go on with it, but he believed it would be better to reserve it for another Session.

MR. R. HODGSON said, he would move that the House go into Committee on the Bill that day two months.

Amendment proposed,

To leave out from the word "That" to the end the Question, in order to add the words "this House will, upon this day two months, resolve itself into the said Committee,"—(*Mr. Richard Hodgson*,)

—instead thereof.

MR. HUNT said, he really thought that he had not been fairly dealt with. The Bill was read a second time without a dissentient voice, and the right hon. Gentleman the Home Secretary expressly stated that the reference to a Select Committee would not prevent the Bill passing that Session. The right hon. Gentleman in Committee had himself proposed the 18th clause, to which objection had been taken. The Bill had received the right hon. Gentleman's support in Committee, and he had cheerfully accepted the amendments suggested by the Committee. No notice of amendment to any of the clauses had been given, and the Bill as it stood—although not all that might be wished—would effect a very considerable improvement in the law. He therefore trusted that the House would go into Committee, and endeavour to pass the measure.

MR. ADDERLEY said, that hon. Members, by the course they were taking, were giving very little encouragement to private Members to endeavour to amend the grossest abuses. After a general election, when Members were fresh smarting from sham Election Petitions, they were loud in condemning the system, but now they seemed inclined to remain the victims of a set of attorneys. The objection to the 18th clause was founded on a misconception, as would be seen if the House went into Committee.

MR. AYRTON said, the labours of the Committee only showed the uselessness of that sort of legislation. The Bill was not only useless, but mischievous.

SIR GEORGE GREY said, he thought the Bill of very little use, and he would



put it to the hon. Member whether he could expect the Bill to be carefully considered at that hour (twenty minutes past one) ?

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for two months.

#### STIPENDIARY MAGISTRATES BILL.

[BILL 189.] CONSIDERATION.

Bill, as amended, *considered*.

Amendment proposed, in page 2, line 32, before the words "Barrister at Law," to insert the word "practising."—(Mr. Augustus Smith.)

Question, "That the word 'practising' be there inserted," put, and *negatived*.

Bill to be read 3<sup>o</sup> on *Monday* next.

#### LANDED PROPERTY IMPROVEMENT (IRELAND) BILL

Bill for the amendment in certain particulars of "The Landed Property Improvement (Ireland) Act, 1860," and to facilitate Agricultural Improvements in Ireland, *presented*, and read 1<sup>o</sup>. [Bill 180.]

#### WATERWORKS CLAUSES BILL.

On Motion of Mr. MILNER GIBSON, Bill for consolidating in one Act certain provisions frequently inserted in Acts relating to Waterworks, *ordered* to be brought in by Mr. MILNER GIBSON and Mr. HUTT.

#### COMPANIES CLAUSES BILL.

On Motion of Mr. MILNER GIBSON, Bill for consolidating in one Act certain provisions frequently inserted in Acts relating to the constitution and management of Companies incorporated for carrying on undertakings of a public nature, *ordered* to be brought in by Mr. MILNER GIBSON and Mr. HUTT.

#### RAILWAYS CLAUSES BILL.

On Motion of Mr. MILNER GIBSON, Bill for consolidating in one Act certain provisions frequently inserted in Acts relating to Railways, *ordered* to be brought in by Mr. MILNER GIBSON and Mr. HUTT.

#### PILOTAGE ORDERS CONFIRMATION BILL.

Pilotage Orders Confirmation *considered* in Committee.

(In the Committee.)

*Resolved*, That the Chairman be directed to move the House, That leave be given to bring in a Bill for confirming certain Provisional Orders concerning Pilotage made by the Board of Trade

*Sir George Grey*

under "The Merchant Shipping Act Amendment Act, 1862," relating to the River and Firth of Clyde and to Hartlepool.

Resolution *reported*.

Bill *ordered* to be brought in by Mr. MILNER GIBSON and Mr. HUTT.

#### CHARITABLE TRUSTS (IRELAND) BILL.

On Motion of Mr. HASSARD, Bill for the better Administration of Charitable Trusts in Ireland, *ordered* to be brought in by Mr. HASSARD and Mr. LONGFIELD.

#### KITCHEN AND REFRESHMENT ROOMS (HOUSE OF COMMONS).

##### COMMITTEE.

COLONEL FRENCH said, he rose to move that the enlargement of the dining-rooms of the House of Commons, as recommended by the Committee which sat on the subject, be carried into execution.

Motion made, and Question proposed,

"That, in the opinion of this House, the enlargement of the Dining Rooms proposed by the Committee on the Kitchen and Refreshment Rooms should be carried into execution."—(Colonel French.)

MR. AYRTON said, he was opposed to the enlargement, as it would interfere with the courtyard. But he objected to considering the matter at that late hour. If the thing were to be done at all, it should be properly considered. He should move the adjournment of the debate.

MR. AUGUSTUS SMITH said, they did not want so much improvement in the dining-rooms as in the dinners. He should therefore move the adjournment of the debate.

MR. HUNT said, he thought the mistake was in trying to give them too good dinners. If the dinners were more simple, they would be more acceptable.

COLONEL WHITE said, they ought to have a proper dining-room, and not be compelled to eat together like so many pigs. The Committee had considered every possible scheme, and that proposed was the only feasible one.

THE CHANCELLOR OF THE EXCHEQUER said, that he did not propose to interfere in the discussion, not merely because he was satisfied with the share which he had had that night in debates as to public buildings, but because he did not think it his duty as Chancellor of the Exchequer to throw obstacles in the way of any alterations which were required by the convenience of hon. Members.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Augustus Smith.*)

The House divided :—Ayes 29 ; Noes 8 : Majority 21.

Debate adjourned till *Wednesday* next.

Notice taken, that 40 Members were not present ; House counted, and 40 Members not being present,

House adjourned at a quarter before Two o'clock

## HOUSE OF LORDS,

*Friday, July 3, 1863.*

MINUTES.—PUBLIC BILLS—*First Reading*—Poor Law Continuance\* (No. 187) ; Loan Societies\* (No. 188).

*Second Reading*—Thames Embankment (South Side)\* (No. 162) ; Mutiny (East India) Act Repeal\* (No. 153) ; Public Works (Manufacturing Districts)\* (No. 179).

*Committee*—British Columbia Boundaries [H.L.]\* (No. 149) ; Jurisdiction of Justices [H.L.]\* (No. 172) ; Oaths Relief in Criminal Proceedings (Scotland)\* (No. 72).

*Report*—Naval Medical Supplemental Fund Society Winding-up Act, 1861, Amendment\* (No. 184) ; Telegraphs\* (No. 185) ; District Parochial Churches (Ireland)\* (No. 186).

*Third Reading*—Innkeepers' Liability\* (No. 142) ; Postmaster General (Sale of Land)\* (No. 168) ; Local Government Supplemental (No. 2)\* (No. 154) ; and severally *passed*.

### ACCUSED PERSONS—CASE OF MR. BLUNDELL.—PETITION.

LORD BROUGHAM *presented* a Petition from Bever Blundell, Esq., F.S.A., for giving accused Persons the Right of being examined on their Trials. The noble and learned Lord said, that Mr. Blundell complained of what he considered to be an intolerable grievance to which he had been subjected in consequence of the imperfect state of the law. Mr. Blundell, seeing that a person had been committed for trial charged with threatening the life of an attorney, wrote to the committing magistrate, giving an account of the transaction, and expressing his belief, from his knowledge of the accusers, that there was no truth in the charge. The accused person was kept in prison five or six months, his family sent to the workhouse, and, in short, he was utterly ruined. When the case came before the grand jury, of whom the committing magistrate was one, the bill was ignored ; but the poor man, unable, as he said with his dying breath, to bear up against the obloquy to which he had been subjected, committed suicide.

The attorney proceeded against Mr. Blundell for writing the letter ; but, instead of suing him for damages, in which case he would have had an opportunity of being heard, as well as his accuser, he indicted him for libel, and Mr. Blundell's mouth was therefore closed. The result of the trial was, that Mr. Blundell was found guilty ; but the Judge who tried him, Mr. Justice Hill, was so dissatisfied with the proceedings, that he absolutely refused to pass sentence upon him at the trial. The case was therefore remitted to the Court of Queen's Bench. In this Court also, not only was Mr. Blundell unable to state his case, but Mr. Justice Hill was absent from indisposition, and his notes were in so imperfect a condition that they could not be used. Mr. Blundell was sentenced to eight months imprisonment, and he complained—and, in his (Lord Brougham's) opinion, justly—of the state of the law. He did not go quite so far as his friend Sir Samuel Romilly, and say that defendants in criminal cases should always be examined ; but he thought that when they volunteered their statement, and offered themselves for cross-examination, their evidence ought to be received, more especially in cases where the other party had been examined.

Petition to lie on the table.

### DIOCESE OF WINCHESTER. PETITION.

LORD LYTTTELTON *presented* a petition from the Incumbent and Clergy of the Rural Deanery of Southwark in the diocese of Winchester, praying for a division of the Diocese on the next avoidance of the See. The noble Lord said he did not propose to found any Motion on the document, except the very modest one, that it be laid on the table. Divisions of dioceses might be effected in two ways, either by a general measure, or by dealing with each particular case as it arose. Some years ago, when there was a general Bill before the House, a noble Earl, who took a great interest in the subject expressed an opinion that each case should be dealt with separately. On the other hand, when a memorial was presented to the noble Viscount at the head of the Government, by a deputation from the diocese of Rochester, praying for a division of that diocese, the noble Viscount said, that while he concurred in the object of the memorialists, he thought it better to defer it until a general measure should be introduced.

Thus were they driven from the pillar of the noble Earl to the post of the noble Viscount. With regard to the case of Winchester, no doubt it was a strong one, but he did not know that it was stronger than many others. There were dioceses in this country where the population were numbered by millions and the clergy by thousands. He knew there were many persons who did not care whether the diocese contained one million or ten millions, or two thousand or five thousand clergy, provided that the country was divided into thousands of districts, each with a minister at £100 a year, without funds or friends, but left single-handed to do the best he could. That was the modern Utopia. His own impression was that the wealthy inhabitants of London, or Winchester, or Durham, or Exeter, if they wished their respective dioceses to be divided, must themselves put their shoulders to the wheel and subscribe the necessary funds requisite in all cases in which the division of a diocese took place, to form a revenue for the support of the additional ecclesiastical supervision if required. He held in his hand a letter from the Bishop of Winchester, who stated that he was not able to be present in the House that evening, owing to his being engaged in ordination, but who wished him to state that the prayer of the Petition had his hearty concurrence.

EARL GRANVILLE said, that two years ago a general Bill had been introduced on the subject by his noble Friend, but it did not meet with much favour from the House; while another noble Lord recommended that each case should be dealt with by Parliament as it arose. It was manifest that there would be considerable difficulty in finding the funds necessary for the purpose. The question, therefore, it would be seen, was one which was surrounded by some difficulties, while it was one which involved very important considerations.

Petition to lie on the table.

#### SUBSCRIPTION TO FORMULARIES OF FAITH.—PETITION.

EARL RUSSELL, rose to present a Petition of Heads of Colleges, Professors, present and former Fellows, and Tutors in the University of Oxford, for the Abolition of Subscription to Formularies of Faith as a Qualification for Academical Degrees. The noble Earl said: My Lords, I have

to present to your Lordships a Petition of very great importance, and remarkable for the number and character of the learned persons by whom it is signed. It emanates from a large number of gentlemen of high standing, members of the University of Oxford. The number of signatures is 106, and those signatures represent persons who all are, or have been, Fellows or Tutors of colleges. We often hear, especially from politicians of a Conservative turn of mind, that though numbers preponderate on one side of a question, learning and intelligence are to be found on the other. That observation may very justly be applied to this Petition. Out of the 106 Fellows, Professors, and Tutors by whom it is signed, 65 obtained first classes in classics, and 15 in mathematics, making a total of 80 who have won that distinction. The 106 Petitioners I may add, include 17 Professors, of whom 13 are present Professors, and 71 present Fellows of colleges out of a total of 437. In making a comparison between the 366 Fellows who did not sign the Petition, and the 71 who did, I found that 56 or four-fifths of those who signed it obtained first-class honours, whereas only 75 or one-fifth of those who did not were equally distinguished. There are also other honours which have been obtained by many of those petitioners, such as University Scholarships and Chancellor's Prizes; but I will not go further into this enumeration. Your Lordships, from what I have said, will at once see that the Petition is one emanating from persons engaged in teaching in the University, and ranking among the most distinguished of those who occupy that position. I shall now proceed to state to the House what is the nature of the Petition, and what is the prayer with which it concludes. The Petition begins by disclaiming any wish to invite interference with the theological teaching in the University, or with its religious character. We may therefore take it for granted that the petitioners are—in conformity with that which I believe to be the sense of your Lordships and the country—unanimously of opinion that there should be religious teaching in our two great Universities, and that that teaching should be in accordance with the doctrines of the Church of England. They go on, however, to say that the subscriptions to which they refer have failed to secure uniformity of belief, or even to promote religious peace. But before I advert more particularly to this point, it is desirable, I think, that I

should trace very shortly what has been the history of these declarations. Before the Reformation, of course, the teaching was directed by the Roman Catholic Church; but immediately afterwards, during the transitions which took place from the reign of Edward VI. to those of Queens Mary and Elizabeth, changes occurred in the headships of houses and the persons governing the Universities, and the religious teaching varied. The Reformers themselves, who belonged to the Church of England, very speedily divided themselves into two classes, the one favouring or tending towards the opinions of Calvin; the other looking back with sentiments of regret to the Church of Rome, and adhering in many respects to the doctrines and practices of that Church. The Earl of Leicester, who was Chancellor of the University, in order to confirm the supremacy of the Protestant party, of which he was the head, established subscription to the Thirty-nine Articles, which he required to be imposed not only on Doctors and Masters of Arts, but also on Bachelors of Arts and undergraduates. Till a very late period, this subscription was required on the matriculation of every young man who entered the Universities. The party to which I have been alluding prevailed for a time; but as soon as the Princes of the House of Stuart ascended the throne, a different doctrine came into operation; but instead of taking that which would have been the right course, of removing the subscription required by the Earl of Leicester, and maintaining religious liberality in their own case, as well as for others, this party added other tests and declarations to those which I have mentioned. At this time were established the declarations acknowledging the King's supremacy, conformity to the Liturgy of the Church, and conformity to the Thirty-nine Articles. In the reign of James II. another change was attempted which would have gone still further in the direction of the Church of Rome, but that attempt was successfully resisted. In 1854, in consequence of the Report of a Commission appointed at the request of the House of Commons, a change was made with respect to some of these declarations—that is to say, that undergraduates at matriculation and Bachelors of Arts should be relieved from these declarations. For my own part, I regretted that the question was introduced at that time; but it was thought necessary to make some immediate arrange-

ment, and to postpone a general revision of the whole subject to a future occasion. The consequence has been, that, as the Petitioners say, these declarations have failed to secure unanimity of opinion, or even religious peace in the University. There are parties still in the Church much resembling those, one of which was headed by the Earl of Leicester, and the other by Archbishop Laud. There are those who object to certain parts of the Articles and yet sign them. There are those who cannot fully "assent and consent" to the whole Liturgy and yet make the declaration. The consequence is that these parties are continually objecting to one another that they have made declarations not in conformity with the sense which those declarations required. The consequence is that religious peace is disturbed, and, I must say, some alarm is thrown upon the religious sincerity of those who signed those declarations. I wish your Lordships to understand that I am speaking now solely of the declarations required by the University, and not of clerical subscription, which is a matter totally apart from the question whether it is necessary that young men who have fairly won and deserved the honours due to their attainments should be required to subscribe their assent to the Thirty-nine Articles or to the Liturgy. It was well said in a recent debate by Earl Grey that there is a very great mischief in multiplying declarations unnecessarily, and thereby producing an uneasy feeling in the minds of young men, who are told by some that the declarations merely involve conformity to the general doctrines of the Church of England, and by others that they are guilty of something akin to perjury, if they sign and do not assent to each particular doctrine and Article. It is of the first importance to consider how much the moral purity and moral simplicity of young men may be tainted by requiring of them these declarations at a period of life when they have not fully matured their own opinions. The first question is, what is the practical effect on these who take these declarations; and another question is, why should persons who do not belong to the Church—Protestant Dissenters and Roman Catholics—be excluded from the degree of Master of Arts, or kept away from the Universities by these tests. This, however, is practically a less important question; because, according to my observation, the tendency of the present time is that persons of the same religious de-

nomination cling closer together, rather than seek to go to places of education which are chiefly the seats of other forms of worship. But still, as to the great national Universities, and considering how many subjects of Her Majesty, whether in this country or in the Colonies, are not members of the Church of England, the door of distinction ought not to be shut to those who seek education either at Oxford or Cambridge, because they cannot assent to these forms. The petitioners say that these requirements tend to perplex the conscience, to introduce an ambiguous interpretation of solemn obligations, and to raise a danger of losing to the University the services of men of high character and ability. That, also, is a question of very considerable importance, for it is a great misfortune that there should be any chance of losing men of great genius and learning through the impossibility of their acceding to these declarations. Is it not desirable that a place of great learning, and so distinguished as Oxford, should open its doors to those who belong to different Churches, rather than shut them on account of these forms? The persons who take the degree of Master of Arts may become clergymen, but they may become barristers, physicians, or civil engineers, and what can be the use of the test in any other profession except the Church? In the University of Cambridge these requirements are no longer made. In the year 1854 they were removed in the case of Bachelors of Arts and undergraduates of the University of Oxford. But in the following year, when the Act was passed for the reform of the University of Cambridge, it was provided that the degree of Master of Arts should be allowed without any of these declarations; but, at the same time, there was a proviso that those who belonged to the governing body of the University of Cambridge should declare themselves to be members of the Church of England. I do not think that was a very good provision, because it introduced a new test, and it will not be difficult to secure the object in some other way. The petitioners agree that the religious teaching of the University of Oxford should be the religious teaching of the Church of England; and if any means are required to secure that object, it will be a proper subject of consideration. It is free for Parliament to say, "Subscription is not required for the degree of Master of Arts; but we will take care that the body who have the control of the

*Earl Russell*

education of the University shall be members of the Church of England." There are various ways of doing this, into which I need not enter, as I am only asking your Lordships to agree in the prayer of the Petition, that the subscription required for the degree of Master of Arts be henceforth abolished, believing, as I do, that if that were accomplished, it would give a more general and more liberal character to the University of Oxford, while it would favour that liberty of conscience which this country should always be careful to cherish. I frankly own that I think, that though this Petition does not come from the majority of the resident members of the University, yet it is one which in its spirit will, in a short time, be adopted by a great majority. It seems to me so reasonable, so moderate, and so far from interference with the teaching of the Church of England, that sooner or later it must become the foundation of legislation. I believe that it is in the power of the University itself to declare that this subscription shall not be demanded; but we all know what obstinacy there has always been there in resisting reforms, and how strong has been what Lord Bacon calls "the froward retention of custom." For three centuries the University made no alteration in these matters, and probably never would have made any if Parliament had not interfered. I hope before long—not in the present Session, but in some future Session—that a Bill will be introduced which will carry out the prayer of these distinguished men. I am glad to say that the spirit of religious reform is abroad in Europe. In the two Sicilies, where by the law of 1824 the Roman Catholic religion alone was recognised, and no person could be registered as belonging to any other religion but the Roman Catholic, we find now that that provision is held to be quite inconsistent with the constitution of the Kingdom of Italy, which recognises the principle of religious liberty. When, then, we see religious persecution dying in other countries, I hope that, in a spirit of conservative reform, your Lordships will not be averse to the Petition which I have the honour to present. The noble Earl concluded by *presenting* the Petition.

THE EARL OF DERBY: My Lords, I shall not follow the noble Earl into his historical account of the progress of religious liberty, nor into that portion of his speech which seemed to have still less to do with the question before the House—what advances in religious toleration have

been made in Italy since the formation of that kingdom. I heard with considerable regret—with more regret, perhaps, than surprise—the comparison the noble Earl drew between the persecution to which the Protestant religion has been and is still subjected in many Roman Catholic countries, and the state of things to which this Petition refers. The noble Earl has been good enough to allow me to look at the signatures to the Petition. I readily admit that there are among them many names of considerable eminence, whose opinions are entitled to the greatest weight ; but, at the same time, the noble Earl, I think, has somewhat exaggerated the case. When we come to consider what is the amount of distinction of those who have signed and those who have not signed the Petition, I think it will be found that the majority of high honours is in favour of those who have not signed it. Again, the noble Earl has presented the Petition as the Petition of Heads of Colleges. [Earl RUSSELL : Of certain Heads of Colleges.] Yes, exactly ; of certain Heads—that is, of two out of the twenty-four Heads of Colleges ; quite enough, truly, to justify the noble Earl in saying “certain Heads.” It is the Petition of “certain Heads, Professors, Fellows, and Tutors.” With regard to the Professors, I freely admit that a considerable number of distinguished men have put their names to the Petition ; but the noble Earl, when he said that the whole of those who had put their names to the Petition were either Professors or persons who were or had been Tutors or Fellows, was mistaken. He will find that a considerable number are neither Fellows nor Tutors, but merely students at the present moment. When we bear in mind that of all the members of the University, resident and non-resident, past and present, only 160 have signed this Petition, I must say, with all respect to the eminent men who have signed it, that it cannot be taken as representing the sense of any considerable portion of the University. When I heard, a week ago, of the noble Earl's intention to present the Petition, I wrote down to Oxford to know under what circumstances the Petition had been prepared, and what was the general feeling of the University on the subject. The answer I received was that of the Petition and the petitioners nothing positive was known in the University itself : it was known that there was such a Petition, and that important names were attached to it ; but that the Petition had never

been laid on the table of one common-room in the University ; that it had never been submitted to the Hebdomadal Council ; that its signatures had been merely obtained by private canvass among those who were known to be favourable to it. These are the circumstances under which the Petition was prepared, and is now presented to your Lordships' House. But that is not all. Early in the spring there was a talk of presenting this Petition ; and upon the announcement that there was such a Petition in progress, a counter petition was immediately set on foot. The Petition was then withdrawn, and the counter petition consequently fell to the ground. It was not till after the University had separated for the long vacation, when it was impossible to ascertain the feelings, wishes, and opinions of the University as a body—when it was impossible for the dissentients to express their opinions, and come before your Lordships' House with a counter petition—it was not till then that the Petition prepared in the spring, withdrawn in the summer, and withheld to the last moment, was placed in the hands of the noble Earl for presentation to the House as embodying the opinions of the University. Now, I must say, with all respect to the eminent men who have signed the Petition, that I do not think this is the mode in which a question of so much importance should be submitted to Parliament. I do not know whether the noble Earl is speaking as a Member of the Government, or whether he is merely stating his own individual wish, which may not be shared by his Colleagues ; but it is important that we should know ; for the noble Earl must forgive me for saying that it is unfortunate that one in his position, and with his high authority, should speak of bringing forward in another Session a Bill founded upon the recommendation of this Petition. [Earl RUSSELL : I said nothing about the Government bringing in a Bill.] No ; the noble Earl certainly did not. But he, a Member of the Government, hoped, that if not in this, at least in an early Session, a Bill would be brought in for carrying out the prayer of this Petition. But, let me ask, is it desirable that from time to time, at very short intervals, the discipline and management of the University should be brought under the consideration of Parliament ? It is only nine years since an Act was passed, followed by a most careful examination into the whole system of the government of the University of Oxford by a

body of Commissioners, who introduced a considerable number of ordinances, which ordinances had become the law of the University. And this is not a question that was omitted from the consideration of Parliament at that time. It is a question that was then fully and deliberately discussed. The noble Earl would have the House believe that the subscription required is required from a great portion of the youth of the University. The case is this:—It is declared by the Act that from and after the passing of the Act it shall not be necessary for any person entering at the University to make any declaration or take any oath; nor shall it be necessary for any person taking the degree of Bachelor of Arts, Medicine, or Music, to make any subscription, declaration, or take any oath; but such degree shall not constitute a qualification for any office hitherto held by a member of the Established Church, and for which such degree has constituted a qualification, unless the usual oaths and declarations be taken. After the inquiry which preceded the legislation of nine years ago, and after that legislation having been adopted with such full deliberation—and moreover, since the Act gave the University of Oxford the power of dealing with this as with any other ordinance—I think it most unfortunate that any Member of the Government should come forward in his place in Parliament to lay open this question, which was looked upon as settled, and bring the Universities again under the guidance and control of Parliament. And this has been done before any reference has been made to the University of Oxford itself—before the question was raised in that University—before it was asked how far it would be willing to adopt any modification of the existing subscription. I cannot answer for what the opinion of the University may be; but this I know, that the natural course for those gentlemen who have petitioned would have been to bring their proposals before the University, and to urge their case to the authorities at Oxford. They would then have had the opinions of those who dissented from them, and would thus have had the question settled, as far as the University is concerned. If after such a proceeding it appeared that the policy of the University was at variance with the public good, an appeal might have been made to the authority of Parliament. I will not enter into the great question of subscription. The noble Earl

*The Earl of Derby*

says that the question which he has introduced applies to the general University subscription, and not to the clerical subscription; but I think this is the first step in the direction of a proposal to alter the clerical subscription. The question really raised by the noble Earl is this:—Is it desirable that the two Universities, in their management, authority, and teaching, should be in close and intimate connection with the Church of England? I think the speech of the noble Earl, and more particularly the observations he made in reference to the provisions with respect to subscription in the University of Cambridge, ought to induce your Lordships to watch very jealously, to see whether effect may not be given to the opinions which the noble Earl has uttered. I am much afraid that such a declaration, coming from one who holds the position of a Minister of the Crown, may have a prejudicial effect in respect to measures which may hereafter be proposed. I wish to speak with every respect of the petitioners, and I think it unfortunate that the noble Earl did not confine himself to the prayer of that Petition, but should have gone much further, and raised, on his own behalf and that of his Colleagues, a much larger question.

**EARL GRANVILLE:** My Lords, I do not wonder that the noble Earl should have taken a part in this discussion; and in consequence of the position which he holds in this House, and of that which he holds in connection with the University of Oxford, I was very anxious to hear how he would deal with the subject, after the very temperate and judicious manner in which it had been introduced by my noble Friend the Secretary for Foreign Affairs. In common with all your Lordships, I always listen with pleasure to the fluent and eloquent speeches made by my noble Friend (the Earl of Derby) in this House; and within the last month I have had the gratification of hearing him speak in most elegant Latin, which astonished not only ignorant persons like myself, but the most learned and accomplished professors of the University of Oxford; but, my Lords, I must confess that on this occasion my noble Friend has addressed the House with unusual embarrassment. In dealing with a question of such importance to the University over which he presides, the noble Earl declined to say one word which had any real bearing on the speech of my noble Friend the Foreign Secretary. He made attacks on

certain little portions of that speech, and he made an attack on the Petition which my noble Friend presented, founded on the number of signatures to that document. With respect to the latter point, I am credibly informed, that without regard to numerical strength, the names attached to the Petition represent some of the ablest and most useful intellects in the University of Oxford; and though I do not want to put my information against that of my noble Friend opposite, I am told that he has been misinformed in reference to the getting-up of the Petition. I am told that it had never been withdrawn from the time it was first laid on the table, and that it had been laid on the common table; and further, I have heard that Petitions in the other sense were beginning to be prepared in the University, but were abandoned. My noble Friend opposite has made a strong and, I think, a most indecorous attack on the observations of my noble Friend the Foreign Secretary with respect to the probability of a measure being brought in at a future time. My noble Friend did not say that the Government intended to bring in a Bill, or that he himself intended to bring in a Bill; he only alluded to the probability of a Bill being brought in at a future time. The noble Earl considers that a great dereliction of duty, and an interference with the University; and he asks why the University should not be left to take the initiative. But I think it not unworthy of remark that the University has been content to rest for three hundred years without making any alteration in a subscription drawn up to meet quite a different state of things from that which exists at the present time. The University of Cambridge has been relieved from this grievous encumbrance by Act of Parliament, founded upon the recommendation of Commissioners; and surely, if the University of Oxford will not itself move in the matter, it is quite a legitimate subject of discussion in Parliament. I think the noble Earl (the Earl of Derby) has entirely failed in his answer to my noble Friend; and I regret that as Chancellor of the University, speaking on a question of such importance to the University of Oxford and to the educated classes of this country, the noble Earl should have thought it consistent with his duty merely to dwell upon the small points in my noble Friend's speech, instead of addressing himself to the great question brought before the House.

THE EARL OF HARROWBY said, he

did not think this was a great question of civil and religious liberty. It was a narrow question, and was just this—whether in the University of Oxford persons should be allowed to put the letters M.A. after their surnames without subscribing to the Church of England. The margin of the Church was very wide, but there was a limit in matters of this kind which he hoped their Lordships would not lose sight of.

THE BISHOP OF LONDON: My Lords, a few nights ago we were engaged in a discussion connected more or less with clerical subscription. We have now to do only with lay subscriptions; the proposal of the petitioners, as I understand it, tending to interfere in no way with divinity degrees. Those degrees, as your Lordships are aware, can only be taken by persons who are clergymen; and all Masters of Arts who are clergymen made at their ordination the very declarations which are now the subject of discussion. The declaration which every Master of Arts is obliged to make is exactly the same as is made by every clergyman who is ordained; and in this matter there is no difference between the declaration made by the noble and learned Lord on the Woolsack and the most rev. Prelate (the Archbishop of Canterbury): both are required to make this, for laymen, somewhat singular declaration, that they will use the Book of Common Prayer, and none other, in the celebration of the Sacraments. Now, I cannot help thinking that it is a mistake on the part of the University to impose on all its lay members a declaration which in their mouth is futile. In 1852, when I had the honour of being a Member of the Commission for Inquiry into the Constitution and Studies of the University of Oxford, I put my name to this statement in the Report of that Commission—

“That the imposition of subscription in the manner in which it is now imposed in the University of Oxford habituates the mind to give a careless assent to truths which it has never considered, and naturally leads to sophistry in the interpretation of solemn obligations.”

I am quite aware that changes have taken place in the University since then, and that, in consequence of the recommendations of the eminent men with whom I was then associated, and of the further progress which was made by the Commission of which the most rev. Prelate was a Member, the subscription then required has been altered; that is, boys of the age of



twelve, if they enter the University at that age, as Jeremy Bentham did, are not required any longer to subscribe; and Bachelors of Arts also are relieved. But the thing has been done, as good things are often done, in such a way that there still remains, to accomplish a very simple end, a most cumbrous machinery. It is desired that the government of the University should be kept in the hands of members of the Church of England; and in order to secure that object every layman who takes the degree of Master of Arts has not only to give his assent to the Thirty-nine Articles, but to the three Articles of the 36th Canon, which contain the very form of declaration required on entrance to holy orders. Now, I cannot help thinking that even at the present day, and after the changes which have been made, we might, if called upon by Her Majesty to inquire into the University of Oxford, still report in reference to these lay subscriptions that the manner in which the subscription is imposed

"habituates the mind to give a careless assent to truths which it has never considered, and naturally leads to sophistry in the interpretation of solemn obligations.

Not long since it was said with very considerable truth that there is a great difference between the obligation under which a clergyman lies and that under which a layman lies; and we have been reminded by high authority that free inquiry is for free inquirers. But if it appears that both clergy and laity have made exactly the same declaration, there must be some sort of sophistry—pardonable I grant—in the reasoning which makes a layman consider that this declaration is nothing at all except so far as it is binding on his friend the clergyman. Now, in my opinion, in all these solemn and sacred matters the more simply and distinctly we say what we mean the better. That was the impression which I endeavoured to convey on the subject of clerical obligations some time ago, and that is exactly my opinion with regard to these lay obligations. The noble Earl (the Earl of Harrowby) says that he considers this a matter of very slight importance. I confess that I cannot agree with him. When I was an undergraduate at Oxford, we had a great many declarations, and they were really very harassing for young men, especially where they had passed the earliest period of their youth, and were arriving at an age at which they could take the M.A. degree. In those

*The Bishop of London*

days there was a solemn promise to observe all the statutes of the University, and there was a solemn promise also to observe all the statutes of your own college, most of which had been enacted in Roman Catholic times and principally centred round the celebration of the mass, which had been abolished by Act of Parliament. Now, there grew up in those days a science of interpreting these promises, which I think was calculated to do a great deal of harm. Our time was worse than wasted in endeavouring to find out what honest interpretation we could put on the declarations which we were then required to make. My Lords, I am thankful that those declarations are gone for ever. They were a disgrace to the University, and I only regret that any shred or tatter of the same system should still remain, kept up by the authority of the University. The present form of declaration required from Masters of Arts does not, I am certain, express distinctly and straightforwardly and honestly that for which it is intended to bind the person who takes it. I agree entirely in what has been said—namely, that it is desirable that this great University, the whole greatness of which has ever arisen from its connection with the Church of England, and which has been the handmaid of the Church in its best days, should still continue its connection with the Church. I should deeply regret anything that should lead to a severance of that connection; but I trust that we live in times when both the Church and the University will face difficulties such as these, and that we shall no longer wish to maintain positions which are not capable of being maintained by sound argument. If it is desirable that laymen taking the M.A. degree should be members of the Church of England, let them say that they are in the fewest and plainest possible words; but if, on the contrary, it is thought that there may be some relaxation, and that as persons not members of the Church of England are admitted as students, so men eminent in science and learning may be enlisted as professors or teachers—if it is thought that that advantage may be gained without any danger of compromising the Church—then I do trust that the University itself will carefully consider how this may be best done, and what safeguards may be imposed, so as at the same time to prevent the connection between the University and the Church from being severed. I can conceive also that some of the petitioners,

being, as I assume them to be, attached to the Church of England, and anxious to maintain the connection of which I have spoken, may still think, that if some of those who differ from the Church were permanently connected with the University, not only by the associations of their youth, but also by retaining their privileges when they came to maturity, the result might be the softening of many prejudices which at present keep them far from us, and that both the University and the Church might thus become more truly the centre of the intellectual and religious life of England. It has been said that this matter ought to be left to the University itself; and that is also my opinion. All that I think desirable is that the University should know what are the opinions entertained from without on these subjects by persons not mixed up with the feelings and interests of a purely University life; but who, in the interest both of the University and of the nation at large, enunciate principles which may guide the University in taking into mature consideration this very serious and important subject.

In reply to Lord BROUGHAM,

THE BISHOP OF LONDON explained, that a layman on taking his degree as Master of Arts in the University was required to give his assent to three Articles of the 36th Canon, the first of which related to the Royal Supremacy, and another to the Book of Common Prayer, with a declaration that he will use the form in the said Book prescribed and none other in public prayer and in the celebration of the sacraments.

THE LORD CHANCELLOR: My Lords, I wish briefly to explain to your Lordships the origin of the subscription, and to show how very little the existing rules apply to the great body of persons who in reality are affected by it. As to the opinion expressed by the right rev. Prelate (the Bishop of London) that it may be within the power of the University to alter the statute, I much doubt whether that power exists in the University independent of Parliament. Your Lordships will remember that subscription is now required from those who take the degree of Master of Arts. When a person has taken that degree, after twelve months he becomes a Regent Master. A Regent Master, by the statutes of the University of Oxford, is empowered to teach, and being empowered to teach he may teach divinity, he is a master of theology. There being no limit to the

power of teaching consequent upon becoming a Regent Master, the person so qualified becomes subject to the operation of the 36th Canon, which requires that no man shall be suffered to teach, to catechize, or to be a lecturer upon divinity in either University unless he shall first have subscribed the three Articles following. The first Article is that acknowledging the King's supremacy. The second—

"That the Book of Common Prayer and of ordering of bishops, priests, and deacons containeth in it nothing contrary to the Word of God, and that it may lawfully so be used; and that he himself will use the form in the said book prescribed, in public prayer, and administration of the sacraments and none other."

And the third—

"That he alloweth the Book of Articles of Religion agreed upon by the archbishops and bishops, &c., and that he acknowledgeth all and every the Articles therein contained, being in number Nine-and-Thirty, beside the Ratification, to be agreeable to the Word of God."

The spirit of the law was that no man should be permitted to teach unless he made a subscription to the declaration. But the great body of persons who desire to take the degree of Master of Arts do not intend to teach in the University; and as my noble Friend in presenting the Petition correctly said, the prayer of the Petition might still further be qualified by inserting, if it should be deemed right, that no man should be permitted to teach divinity in the University who had not subscribed these Articles. But the subscription at present is a bar which excludes from the Houses of Convocation a great number of persons because of their being Regent Masters, and consequently qualified to teach divinity. That is embodied in the statutes of the University of Oxford. I am sorry to say our library is not rich enough to possess a copy of those statutes, and I must therefore quote them at second-hand. The part to which I refer runs thus—

"Quales Tutores scholaribus præficiendi sint. —Tutor vero scholares tutelæ et regimini suo commissos probis moribus imbuat, et in probatis autoribus instituat; et maximè in rudimentis religionis et doctrinæ Articulis in synodo Londini, anno 1562, editis; ac pro virili suo disciplinæ in Ecclesiâ Anglicanâ publicè receptæ eos conformes præstabit."

I would beg the noble Earl (the Earl of Derby) to observe that subscription to the Articles has been required upon those grounds. Your Lordships are aware that a Regent Master becomes a member of Convocation, which is the governing body of the University. Now, it is a great

question, which deserves full consideration, whether power in the University should be intrusted to any persons who have not avowed themselves members of the Church of England. But this is a different ground from that on which subscription is at present required. My attention was singularly fixed upon this matter many years ago, when I matriculated at the University at the early age of fourteen. I was told by the Vice Chancellor, "You are too young to take the common oath of obedience to the statute of the University, but you are quite old enough to subscribe the Articles of Religion." Accordingly, as a boy of fourteen, I duly and faithfully subscribed the Articles of Religion; but not until the age of sixteen was I permitted to make a promise of obedience to the statutes of the University. That state of things no longer exists, but I mention it to show to your Lordships the gross anomalies that existed in the doctrine of subscription.

**THE BISHOP OF OXFORD:** My Lords, I do not wish to assert the proposition that the original reason for requiring Regent Masters to make subscription was to secure that the teachers of the University should be members of the Church of England; the question we have to consider is the effect of this rule upon the University. And the effect is this—that the governing body of the University are all professed members of the Church of England. My right rev. Brother dwelt upon the great advantages that the University would derive if relieved from this restraint by the great increase of learned men who might then hold professorships, but of which advantages the University was now deprived through the dreadful requirement that a Master of Arts should subscribe to the Articles of the Church of England. [The BISHOP OF LONDON dissented.] My right rev. Brother says he did not use that argument, but I think the House, like myself, must have understood him to say that we lost many instructors whom we might obtain, but who were excluded by the requirement.

**THE BISHOP OF LONDON:** I said I thought it very desirable that the government of the University should be maintained in the hands of members of the Church of England; but that if the University could find any way of adding other eminent men to the body of teachers who were not members of the Church of England, I should be very glad.

**THE BISHOP OF OXFORD:** That is pre-

*The Lord Chancellor*

cisely what I said. Teachers not belonging to the Church of England to be admitted would be a gain to the University. But that is done already, and no professor need sign the Articles. The governing body of the University is confined to members of the Church of England, as my right rev. Brother desires, and the teaching in the University is set free, as he also desires. Then, having what he wishes, why alter the present arrangement? I know at least one distinguished man—the Professor of Chemistry—who has taught for years in the University without being called upon to subscribe. But I think that nothing should be done to alter the fundamental principle that the government of the University should be retained in the hands of members of the Church of England. My right rev. Brother pointed out what at first seemed to be an absurdity in connection with the signature of the three Articles—but the absurdity was only in appearance, because the signature to those three Articles is accompanied by a declaration that it is to apply to persons who are to be instituted to any living or gift with power of teaching in the Church of England; and then follows the declaration that those persons will not administer the Sacraments except in the form prescribed. It is only by straining the meaning of the words that they can be made to apply to every Master of Arts. My right rev. Brother said there was nothing in the prayer of the Petition to affect the higher degrees of divinity at the Universities. But, if the prayer is granted, there certainly will be nothing to prevent a man from rising to the highest degree in divinity which the University allows, without even professing to hold the doctrines of the Church of England. As to the disinclination to make this subscription, I may be allowed to mention, that since this subject was last under discussion, a Bill which was to affect the whole question came before the House of Commons, and a Petition got up by the undergraduates of Oxford, and signed by 1,030 out of about 1,300, was presented to that House, praying that no alteration might be made in the present law of subscription. If you abolish subscription in these cases, the next proposition will be to dispense with it in the case of the colleges, and then of all members of the Church. That is what is aimed at. This is the beginning of what is considered by those who urge the necessity of these changes, the deliverance of the

human mind from the trammels of submission to external truth as taught by authority, and to be believed because it is so taught. The question is whether in a Church so free as ours you can maintain anything like a tradition of dogmatic truth if you do away with this last provision, that those who undertake great responsibilities should believe the teaching which the Church has accepted as the Word of God.

EARL RUSSELL said, that the 106 persons who signed his Petition were either Fellows or Students of Christ Church.

THE DUKE OF NEWCASTLE said, that Mr. Bouverie's Bill, against which the Petition to which the right rev. Prelate had referred was directed, dealt with the admission to fellowships—a subject which was expressly excluded from this Petition.

THE EARL OF CARNARVON stated, that in addition to the Petition mentioned by the right rev. Prelate as having been got up by the undergraduates in the course of a fortnight, 2,000 non-resident members of Convocation expressed their concurrence with the views therein contained.

Petition to lie on the table.

THE BISHOP OF OXFORD then moved, That the said Petition *be printed*.

Objected to; and, after short Debate, the said Motion (by leave of the House) *withdrawn*.

Afterwards,

THE BISHOP OF OXFORD gave notice, that if he were in his place on Monday, he would move, and if not present he would get some noble Friend to move, on that evening, that the Petition presented to-night by the noble Earl the Secretary of State for Foreign Affairs be printed and circulated.

House adjourned at a quarter past  
Seven o'clock, to Monday  
next, Eleven o'clock.

## HOUSE OF COMMONS,

Friday, July 3, 1863.

MINUTES.]—SUPPLY—considered in Committee  
—B.P.

PUBLIC BILLS—Ordered—India Stock.

First Reading—Waywardens' Contracts (Lords)\*

[Bill 205]; Pilotage Orders Confirmation\*  
[Bill 206]; Waterworks Clauses\* [Bill 207];  
Railways Clauses\* [Bill 208]; Companies  
Clauses [Bill 209].

Committee—Fisheries (Ireland) [Sir Robert Peel]  
[Bill 137]—B.P.; Partnership Law Amend-  
ment [Bill 172], on re-committal—B.P.; Prisons  
(Ireland) [Bill 178].

Report—Prisons (Ireland).

Considered as amended—Police and Improvement  
(Scotland) (Provisional Order)\* [Bill 184].

Third Reading—Militia Ballots Suspension\*, and  
passed.

## FISHERIES (IRELAND) BILL

[SIR ROBERT PEEL].

[BILL 137.] COMMITTEE.

Bill considered in Committee.

(In the Committee).

Clause 18 (Appointment of Commis-  
sioners under Sign Manual).

SIR HERVEY BRUCE said, he would move to add to the clause certain words, the effect of which would be to provide that after a vacancy the new Commissioner should be of the same profession as the Commissioner in whose room he was appointed.

MR. O'HAGAN proposed another Amendment with the same object.

SIR WILLIAM SOMERVILLE said, he trusted that able and independent Gentlemen connected with Ireland would be appointed by the Government to discharge the delicate and difficult duties of Commissioners.

SIR ROBERT PEEL said, he could assure the Committee that it was the desire of the Government that the first three Commissioners should be men, not only of high character, but men who would discharge their duties in a thoroughly independent and impartial manner.

MR. HASSARD said, he thought it would be better to follow the example of the Alkali Bill, and appoint Inspectors who should go before the proper legal tribunals, instead of investing Commissioners with powers and duties foreign to the law.

MR. LONGFIELD said, he was quite content to leave the uncontrolled nomination of the Commissioners to the Government. He believed that not a single Irish Member had approached the Government on the subject of the nomination of these Commissioners.

Amendment agreed to.

Clause agreed to.

Clauses 19 to 27 were also agreed to.

Clause 28 (Power for Commissioners to state case for Court of Law or direct issue of Law).

MR. LONGFIELD said, that the clause was useless for the protection of the public, and he should therefore move its omission. It would enable the Commissioners to shift the responsibility from themselves and involve the public in litigation. It would be much better to give the Commissioners a summary jurisdiction than to allow them to take a poor man into Chancery.

MR. O'HAGAN said, he could not see the force of the objection. They intrusted the Commissioners with great power, and he thought it was not too much to give them the power, if they thought proper to exercise it, to take the opinion of a high legal tribunal on some of the litigated questions connected with the Act of 1842.

MR. H. A. BRUCE said, that the clause was introduced to save time, trouble, and expense to all parties. When the Commissioners found that some difficult point was sure to be litigated, the clause provided that they might state a case, and name the parties to it, as a quicker and surer way of getting a decision.

Clause *negatived*.

Clause 29 *withdrawn*.

Clause 30 (Power of Commissioners to compromise).

MR. HERBERT said, that as the Committee had respected the rights of the owners of stake weirs, it was only fair that they should also respect the rights of the owners of bag nets. The Act of 1842 allowed the use of these bag nets, but by this Bill they would be abolished, in order that those neighbours of those proprietors who might be owners of stake nets should be enabled to catch more fish. As a compromise, he would move an Amendment giving the Commissioners power to allow bag nets to continue for a period not exceeding ten years, provided that the nets were legal under the Act of 1842, and that the owners did not possess in the same district any other nets, weirs, or fishing rights.

MR. H. A. BRUCE said, that the Government did not propose to press the clause, the powers of which were too large and too loose. He was disposed, however, to agree to an Amendment declaring that the Commissioners might allow bag nets to continue for a limited time, not exceeding ten years, provided the owners had no other nets or weirs in the neighbourhood. He

did not believe his Amendment would meet with much favour, because some hon. Gentlemen appeared to think that the ideas of justice and salmon ought to be altogether dissociated. He would appeal to the generosity of the Committee to agree to this Amendment. In every other case, if the Committee had inflicted some injury, they had done some good to the parties who might complain. In the case of the owners of stone weirs, it was thought that the Bill would confer a benefit upon them against their will. The stake weirs put down were only those existing contrary to law. When persons owned bag nets who had also stake nets, they would receive some compensation in the increased take of fish by the stake nets. Therefore the class of bag net owners who would benefit by the extension of time would be very small, not more than half a dozen or a dozen, and they were persons upon whom the Bill would otherwise inflict an injury without any compensation. He would again repeat that, in his opinion, the Irish Act of 1842 trenchoned on the general rights of the public; but Parliament had allowed vested interests to be established under that Act, and bag nets for twenty years had been permitted. The effect of his Amendment would be, that the Commissioners would have the power of granting an extension of the time, and might also impose restrictions and regulations in case the nets or weirs were carried too far into the stream.

MR. LONGFIELD said, he strongly objected to give the Commissioners a discretion to allow bag nets to continue for ten years. [MR. H. A. BRUCE: Where the owners have no other means of fishing.] An appeal had been made to the generosity of the Committee; he appealed to their justice, and asked them to consider the rights of the poor. In 1846 the draught net fisheries on the coast of Ireland gave employment to 100,000 persons; now the number was reduced to 50,000, the fishery being monopolized and injured by bag nets. If the Amendment were agreed to, the extension would be for ten years in every case, because the Commissioners would not be likely to give one proprietor two years and another ten years. He called upon the Committee not to act like children, and showing compassion to the proprietors, forget the compassion due to the poor and the public. He believed that before the bag nets could be abolished under the Bill the proprietors would get a very good slice of the fishing of 1864. They would be

able to get the fish until the month of April or May next year. That was a greater extension of time than the proprietors of these bag nets deserved, either on the ground of law or justice. However, as an appeal had been made to the generosity of the Committee, he would consent to give the proprietors of the bag nets the whole of the season of 1864, which would be dealing very handsomely with them.

MR. MONSELL said, that the principle enunciated by the hon. Member for Mal-low would extend to many clauses which had been already passed. He thought that some consideration ought to be extended to persons whose rights were about to be confiscated.

Amendment, by leave, *withdrawn*.

Clause *negatived*.

Clause 31 (Provision on the Determination of the Office of the Commissioners).

SIR HERVEY BRUCE proposed, as an Amendment, that the Inspectors should be appointed by the Home Secretary instead of the Lord Lieutenant.

Amendment proposed,

In page 11, line 15, to leave out the words "Lord Lieutenant of Ireland," and insert the words "one of Her Majesty's Principal Secretaries of State."—(*Sir Hervey Bruce.*)

SIR ROBERT PEEL said, he must protest against the Amendment. The Lord Lieutenant was the proper person to possess that sort of patronage, and every Bill for Ireland gave it to him. When the House thought proper to abolish the Lord Lieutenancy, it would be right to give such appointments to the Home Secretary, but not before.

LORD NAAS said, he concurred in thinking that all the Irish departments ought to be under the Irish Government.

MR. LONGFIELD said, that to give the appointments to the Home Secretary would be to remove them from a focus of jobbery and party influence.

MR. SCULLY did not wish to take a single feather out of the tail of the English peacock (he did not speak of the present Lord Lieutenant), who was usually sent over to govern Ireland. He should vote for giving the patronage to the Secretary of State for the Home Department, because the country was likely always to have a decent and respectable Home Secretary, but was not always equally secure in regard to the Chief Secretary for Ireland, who might be some "shave beggar" sent over

to learn his trade, and thereby to rise to eminence as a statesman afterwards.

MR. O'HAGAN said, that if it were wished to get rid of the office of the Lord Lieutenant of Ireland, it ought to be done by a direct Motion, and not by a side wind like the present Amendment.

MR. BERNAL OSBORNE said, the Committee were, it seemed, about to rob the Lord Lieutenant of one of the brightest jewels in the Irish Crown—namely, the appointment of two fishery Inspectors. According to the hon. Member for Cork, the views of the Lord Lieutenants ought to be retrospective, because peacocks had eyes in their tails. He should vote for the Amendment, because the control of the English and Scotch Fisheries Acts was in the hands of the Home Secretary, and why should Ireland be excepted? To give this appointment to the Home Secretary would only be a proper compliment to the Home Office, by which the Bill had been so ably drawn up and introduced to the House.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 62; Noes 11: Majority 51.

LORD NAAS said, he would recommend that the names of the Commissioners should be inserted in the Bill on the Report. It would give greater weight to their decision if they were named in the Bill.

MR. H. A. BRUCE said, he could not agree with the noble Lord. If the Commissioners were named in the Bill, disputes would arise as to the appointments, and the result would be the loss of a great deal of their influence. The appointments would only be for about two years.

COLONEL FRENCH said, he was glad the Government had declined to accede to the suggestion of the noble Member for Cocker-mouth.

Clause *agreed to*.

Clauses 32 and 33 were also *agreed to*.

Clause 3 (Interpretation Clause), which had been postponed.

MR. LONGFIELD said, he considered it was unnecessary, and he should therefore move its omission.

MR. O'HAGAN said, he was of the same opinion.

Clause *omitted*.

MR. LONGFIELD said, that in the absence of his hon. Friend (Mr. M'Mahon) he would move that a new clause be added

after Clause 8, inflicting a penalty of £50 on any person keeping a weir after notice.

MR. BUTT said, he objected to the clause, but he would withdraw the objection if his hon. Friend would consent to add a provision that no such action should be brought under the section, when the proprietor or occupier had obtained the certificate of the Commissioners under the Act.

Clause, as amended, *agreed to*.

MR. LONGFIELD said, he would then move a clause in substitution of Clause 9, relative to the construction of free gaps. At their last sitting the Committee determined that there should be a free gap in all weirs, and the present clause, which was copied from the English Fisheries Act, would carry out this wish.

MR. H. A. BRUCE said, he thought that the Commissioners ought to have the power of fixing the situation of the free gap. He therefore proposed to add the words "that the gap should be in such a situation as the Commissioners should direct."

MR. LONGFIELD said, that no such discretion was given to the Commissioners in the English Act. The gaps might be so placed as to be rendered ineoperative, and he could not consent to intrust the Commissioners with such a power.

MR. F. L. GOWER said, he must repeat the assertion he had made at the last sitting—that the Act confiscated property to which the owners of these weirs were as much entitled as the owners of land to their estates. They had therefore a right to ask for compensation in the event of loss. It was asserted that there would be no loss, but in that case no compensation would be wanted.

MR. MONSELL said, that if the Bill were the means of increasing the number of salmon, it would give compensation to the owners of weirs. If it were a measure of confiscation, it was no more so than the English Bill. That measure had been found to work well for England, and so would the present measure for Ireland.

MR. H. A. BRUCE said, he must admit that the English Act manifested as flagrant a disregard of chartered rights as that now proposed. Inasmuch, however, as the unanimous feeling of the Committee seemed to be against granting compensation, the Government had not deemed itself called upon to withdraw the Bill.

SIR WILLIAM SOMERVILLE said,

*Mr. Longfield*

he should support the clause. It would never do to leave the Commissioners the choice of the part of the river where the gap was to be made. The owners of the stone weirs claimed compensation in case of loss; but in that case, if the Act worked well, and if there were gains over the present average, the amount of the excess must be paid over to the public. ["No!"] Oh, yes! the public would have a right to this set-off against the losses of bad years. The consequence would be that the owners would be losers by such compensation clauses, whereas if they accepted the Bill without them, they would be the gainers.

LORD NAAS said, that the limit of 40 ft. inserted in the clause as the width of the free gap was enough for the English rivers, which were much narrower than those of Ireland. He thought that a gap of 60 ft. would not be too large for some of the Irish rivers, and he should therefore propose an Amendment to that effect. He had no wish to conceal that the object of his Amendment was to apply only to the great lax weir at Limerick.

MR. H. A. BRUCE said, he had no objection to the Amendment where the river was 600 feet wide.

MR. BERNAL OSBORNE said, he should support the proposition, though it would only be applicable to one weir in Ireland.

MR. LONGFIELD said, he could assure the hon. Gentleman that the provision would be applicable to five of the weirs of Ireland. He would propose that the width should be fixed at 50 feet.

MR. Longfield's Amendment *agreed to*.

MR. F. L. GOWER said, he wished to propose an Amendment, to add that all expenses incurred by the Commissioners should be paid by the conservators of the districts in which the weirs were situate out of the funds placed at the disposal of the conservators. It was most unjust that these expenses should fall upon the owners; and it was no apology for such injustice to say that it was part of the English Bill.

MR. MONSELL said, he would support the proposal, but he feared the conservators might not always have funds at their disposal. He proposed that the expenses should be borne by the grand juries.

SIR ROBERT PEEL said, that he could not accede to the Amendment of his hon. Friend (Mr. F. L. Gower). The money in the hands of the conservators of the rivers

was no more than sufficient for the protection of the fisheries, and would be quite inadequate to defray the expenses of making gaps in weirs. The proprietors of these stone weirs would have to pay, as in England, for the making of the free gaps.

MR. F. L. GOWER said, he was willing to add to his Amendment the words, "if they have sufficient monies for the purpose."

SIR EDWARD GROGAN said, he would suggest the postponement of the matter till the bringing-up of the Report.

Amendment, by leave, *withdrawn*.

Clause, as amended, *added* to the Bill.

MR. BLAKE said, he would move a new clause to follow Clause 15, providing that no fixed net, save bag nets, should be allowed to extend "beyond the mean level of ordinary spring tides, and the low water of ordinary neap tides."

MR. MONSELL said, he would appeal to his hon. Friend not to press the clause.

MR. BERNAL OSBORNE said, that if the hon. Member pressed and carried his clause, he would upset the Bill.

MR. H. A. BRUCE said, he trusted that the hon. Member would not attempt to impede the working of the Bill by pressing the clause.

Clause *negatived*.

MR. H. A. BRUCE proposed to substitute for Clause 17 a clause providing for payment of additional duties on fixed engines.

SIR ROBERT PEEL said, he had hoped the Committee would have got through all the clauses that morning. As it was, they must either go on with the Bill next Friday or that evening. [Several hon. MEMBERS: To-night.] It was the only choice they had, and he should be glad if they could pass the Bill through Committee at the evening sitting. [An hon. MEMBER: Up to what time?] Up to any time.

House *resumed*.

Committee report Progress; to sit again *this day*.

INDIA—CLAIMS AGAINST THE LATE GOVERNMENT OF OUDE.—QUESTION.

COLONEL FRENCH said, he would beg to ask the Secretary of State for India, if he can explain why the claims on the late Government of Oude, all the parties to which are in England, cannot be investigated here, instead of in India?

SIR CHARLES WOOD said, in reply, that although he was aware the parties were in this country, all the evidence was in India; and therefore the investigation would take place there.

HARWICH HARBOUR.—QUESTION.

CAPTAIN JERVIS said, he wished to ask the Secretary to the Treasury, How the Foreshore in Harwich Harbour, near the entrance to the Stour, purchased by the Commissioners appointed by the 7 *Queen Anne*, c. 26, for the purpose of Fortifications, came into the possession of the Woods and Forests.

MR. PEEL, in reply, said, the Foreshore in Harwich Harbour, near the entrance to the Stour, purchased for the purpose of Fortifications, came under the management of the Commissioners of Woods and Forests by virtue of an Act of the 10 & 11 *Geo. IV*.

CONSIGNMENTS TO NEUTRAL PORTS.  
QUESTION.

MR. CARNEGIE said, he wished to ask Mr. Attorney General or Mr. Solicitor General, Whether, in the existing state of affairs in America, it is contrary to International Law to consign arms, ammunition, or medicines to the ports of Quebec, Nassau, Matamoras, and Havana, or any one of them; and whether a vessel bound to any of the above-mentioned ports containing such articles would be liable to condemnation by a Prize Court?

THE SOLICITOR GENERAL said, in reply, that it was somewhat strange that the hon. Member should think it necessary to ask a Question which had been asked and answered over and over again in that House. He should have thought everybody must be aware that the consignment to the four ports named, or to any other neutral port, of the articles enumerated, providing it were a real and *bond fide* consignment, actually intended to be delivered at those ports, would not expose the vessel, having them on board to condemnation by a Prize Court. He considered it necessary to say, that he thought there was some danger of persons deceiving themselves by such questions as these. The most familiar principle of public law was what he had stated, and the Prize Courts in America would answer the question put exactly as he had answered it. The question for their decision always was as to the application of the law to a particular case, and whether, as a matter of



fact, the goods were *bond fide* to be delivered at one of these ports. He was not aware of any case in which the Prize Courts of America had claimed to lay down any new principle upon this subject.

#### SEIZURE OF GROWING CROPS IN IRELAND.—QUESTION.

SIR HERVEY BRUCE said, he wished to ask the Chief Secretary for Ireland, Whether he will introduce this Session a Bill on the subject of the Seizure of Growing Crops in Ireland?

SIR ROBERT PEEL replied, that he proposed to give notice that night of his intention to ask for leave on Monday to introduce a Bill on the subject of the Seizure of Growing Crops in Ireland.

#### THE BENGAL MILITARY FUND. QUESTION.

MAJOR HAMILTON said, he would beg to ask the Secretary of State for India, If, in pursuance of a Despatch to the Governor General of India, dated 27th December 1862 (No. 482), Her Majesty's Government are prepared to guarantee payment of pensions to widows and orphans of subscribers to the Bengal Military Fund, at the rates now paid?

SIR CHARLES WOOD said, in reply, that the hon. and gallant Member must be aware that those funds were under the management of individuals who were Members of a Committee and of the Service. The Government of India were not responsible for their management. If, however, the funds were handed over to them, the Government would of course be responsible.

#### THE NAVIGATION OF THE RIVER BANN.—QUESTION.

SIR HERVEY BRUCE said, he wished to ask the Secretary to the Treasury, Whether their Lordships will sanction the Commissioners of Public Works in Ireland advancing to the Town Commissioners of Coleraine monies for the Improvement of the Navigation of the Bann, under the provisions of their Act obtained this Session; and whether they will sanction a free grant of part of the money for the same purpose, it being for the completion of a great work executed by the Board of Works in Ireland?

MR. PEEL, in reply, said, the Board of Works in Ireland had not made any appli-

*The Solicitor General*

cation to the Treasury for a loan to the Town Commissioners of Coleraine for the improvement of the navigation of the Bann. It would depend very much upon the security offered by the Commissioners whether the Board would recommend such a loan. He was not aware that the Treasury had power to make a free grant for the purpose.

#### UNION RELIEF AID ACTS CONTINUANCE BILL.—QUESTION.

MR. TOLLEMACHE said, he would beg to ask the President of the Poor Law Board, Whether he will postpone the Second Reading of the Union Relief Aid Acts Continuance Bill till after the interview which he has promised to give on Wednesday next to a deputation from the Magistrates of the Counties most interested in the question involved in the Bill?

MR. C. P. VILLIERS said, he would consent to postpone the second reading of the Bill until after he had received a deputation alluded to by the hon. Member. At the same time, however, he must state that the responsibility of delaying the progress of the Bill would attach to the hon. Gentleman.

#### FRONTIER DEFENCES OF CANADA. QUESTION.

COLONEL ANNESLEY said, he would beg to ask the Under Secretary of State for War, Whether Her Majesty's Government have received the Report of the Commission sent out last year to inquire into the Frontier Defences of Canada; and, if so, whether it is their intention to carry out at present the whole or any part of the recommendations contained in that Report?

THE MARQUESS OF HARTINGTON said, in reply, that the Report referred to by his hon. and gallant Friend had been received, but its recommendations affected the Colonial Government at least as much as the Home Government. Up to the present time certain political occurrences had prevented the Colonial Government from taking into consideration the Report of the Commissioners, and consequently it was impossible to say, at present, what steps would be taken towards carrying out the whole or any part of its recommendations.

#### THE LAND PURCHASED AT SOUTH KENSINGTON.—QUESTION.

COLONEL FRENCH said, in the absence

of his hon. Friend (Mr. Gregory), he would beg to ask Mr. Chancellor of the Exchequer, Whether the Commissioners of 1851 are to be paid the sum of £120,000 for Land at Kensington before the Government is placed in clear possession of the Land?

**THE CHANCELLOR OF THE EXCHEQUER :** Sir, the sum of money voted by the House, which amounted, I think, to £67,000, has been paid to the Commissioners to enable them to clear off certain impending obligations. We have no power to pay any further sum, and we cannot have such power till after a further Vote has been granted by this House. I think the most natural arrangement would be that the rest of the money should be paid on the completion of the conveyance and the transfer of the land. At the same time, I do not know the precise course which will be taken; but whatever it is it will be explicitly stated to the House.

#### AFFAIRS OF JAPAN.—QUESTION.

**Mr. BAILLIE COCHRANE** said, he rose to ask, Whether he is to understand that Her Majesty's Government object to lay upon the table the Papers relating to Japan?

**Mr. LAYARD** replied, that he should decline to lay any further Papers on the subject of Japan upon the table until the result of the negotiations now going on became known to the Government.

#### UNITED STATES—RECOGNITION OF THE CONFEDERATE STATES.

##### QUESTION.

**Mr. ROEBUCK** said, he rose to ask the Secretary of State for the Home Department, Whether he has now obtained the consent of the Head of the Government to fix Monday week for resuming the discussion upon his (Mr. Roebuck's) Motion in reference to America?

**SIR GEORGE GREY**, in reply, said, he had not been able to see his noble Friend since yesterday. He believed, however, it was certain that his noble Friend would be in the House on Monday next, when he would give an answer himself to the hon. and learned Gentleman's question.

##### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### COTTON FROM INDIA.

##### SELECT COMMITTEE MOVED FOR.

**Mr. CAIRD :** Sir, I regret that the indisposition of the Secretary for India, about a month ago, prevented me at that time bringing before the House the question of cotton supply. The delay will probably render it necessary for me to modify the terms of my Motion, for at so late a period of the Session we could not hope to enter upon so large a question, before a Committee, with any probability of gaining much information. But the subject itself is so important that a discussion upon it, before the recess, may be useful to show the prospects we have of supplies of cotton, and the certainty that from one source or another the increasing price will be gradually and not tardily followed by increased production. Events in America should convince us that it would be most unwise again to permit an almost exclusive reliance to be placed on that country. Already in every zone where cotton can be cultivated, and where there is a supply of labour, that labour has been raised in value by the absence of slave competition. Should the turn of events lead to a greater cost in the production of cotton, and consequently to a higher future range of price, it would still be by far the cheapest article of clothing. The trade may for some short period continue to be curtailed for want of a sufficient supply of the raw material, but we have only to look at the Returns of the imports in the first three months of this year to be satisfied of the early prospect of considerable supplies. Compared with the same period of 1861 the imports, exclusive of the United States, have increased fourfold, and have already gone far to make up the total cessation from America. For thirty years, India has given us somewhat less than a fifth of our supply, and has kept her ground against America, varying a little under the influence of price, but maintaining, since 1850, a steadily increasing proportion of the whole cotton supply. And it is worthy of remark, that in India alone free labour has been able to sustain a competition with that of slaves. For the West Indies, which, previous to emancipation, gave from 5 to 8 per cent of our supply, since 1835 have almost ceased to export cotton. Brazil, which, previous to 1830, gave 10 to 15 per cent, had, under her modified system of slavery, fallen to 1 per cent in 1860. And the same rule may be traced in the decreasing proportion of imports from all other countries. But mar-

vellous has already been the change produced by the cessation of American supplies. From 80 per cent of our imports of cotton in 1860, American cotton fell to  $5\frac{1}{2}$  of the small supply of 1862, while Indian rose from 14 to 71 per cent; Brazil, from 1 to 10 per cent; Mediterranean, from 3 to 11 per cent; and the West Indies again took its place as a source of our cotton supply. When we find that from India we received more cotton last year than the entire annual supply from all quarters previous to 1840, and when, moreover, we find that supply growing, within the last eight years, gradually but steadily, from 300,000 bales to 400,000, 500,000, 600,000, 900,000, to 1,073,000 bales, we can have no reason to despair of an early and sufficient supply, even though America remain partially closed against us. The increase of price has had its natural effect in immensely stimulating production; and the facility with which that can be done, in countries where cotton has been already grown, is far greater than is usually supposed. I referred to this last year, but will venture to repeat it. In agriculture, it is difficult, and a work of time, to introduce a new article of culture; but it is a very easy and simple matter to extend the culture of an article at present produced. That is the true explanation of the rapidity with which, in certain quarters already, the increased price has been met with a doubled supply.

As I have recently had an opportunity of visiting some of the cotton-growing countries of the Mediterranean, and made cotton cultivation the object of my special attention, I will venture to offer to the House the results of what I saw and heard. And first with regard to Egypt, which, from the vast fertility of its soil and its abundant supply of labour, has been, and is likely to continue to be, the largest cotton producer in the Mediterranean. The produce of an acre of cotton, which, previous to 1860, was not worth more in that country than about £5, yielded upwards of £20 in 1862. The cotton crop of 1862 gave thirteen millions sterling to Egypt, six of which were clear profit above the ordinary cost of production. Now Egypt possesses immense capacity for a rapid extension of cotton culture, and the greatest exertions which enormous profits can prompt are at this moment being made. With a favourable season, it is not improbable that Egypt may yield 250,000 bales in 1863.

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In Smyrna the same energy to take advantage of the present prices has been displayed. A few years ago no cotton was exported from Smyrna, which last year sent out 60,000 bales, and is expected to more than double that quantity in the present year. In Sicily and Italy (which has for ages been a cotton country) every little or large farmer who has ever before grown a plot of cotton is this year planting it on every acre of land where they think it can be grown. The value of the last crop in many instances was not merely a matter of largely increased profit, but exceeded the fee-simple of the land. With the Sicilian farmer, it is not a question of doubling the usual cotton culture—it will be increased tenfold. In many places the pressure of an increased demand for labour is being anticipated, and the wages promised for the picking season have advanced 50 per cent. There can be little doubt that the same cause is operating in Spain and Algeria, and it will probably be found a moderate estimate to put the total production of the Mediterranean in 1863 at 500,000 bales.

In Italy the most sanguine expectations are entertained of the future production of cotton. A commission, ably presided over by Signor De Vincenzi, who last year represented the Italian cotton interest at the Great Exhibition, has been appointed by the Government, with the express object of clearing away every impediment and opening every facility for its extended culture. Hundreds of thousands of acres of land are believed to be suited to it, and admit of irrigation. Seed is supplied in every quarter to those who apply for it, and printed instructions for planting and management are everywhere circulated. The quality of the cotton is equal to average American; and as a winter crop of beans or barley, or potatoes, can be taken before the cotton crop is planted, it is argued that with the advantage of a double crop and the abundant supply of labour, the Italian will be able hereafter to hold his ground against future competition from the Slave States. From Brazil this increase has been very rapid, and 200,000 bales are expected from the present year's crop in that country; while the West Indies and our other Colonies will contribute in a small degree to the general supply. The Egyptian and the Mediterranean cottons being of superior quality, and labour cheap and abundant, there is every probability that the increased culture of cotton there will be

continued, and that these countries will be found capable of contributing not less than one-fourth of the whole future cotton supply. But for the remaining three-fourths we shall probably have to look to America and India. The future supply from America depends altogether upon the terms upon which the war may be concluded. The Southern States possess advantages for the growth of cotton greater than those of any other country. They have a fertile soil, intersected by railways and navigable rivers, and a climate peculiarly adapted to the production of a large crop of fine quality, without, as in most other cotton countries, being compelled to resort to irrigation. Their slave system admits of the most perfect organization of labour, and it is a delusion to imagine that it is more costly than free labour. I have carefully studied this part of the question, for it is the key to the whole system, and I assert, that with unrestricted limits of expansion, and a victorious slave constitution, no country will be able to grow cotton so cheaply and plentifully as America. A Southern cotton estate may be almost self-supporting. The whole food and clothing of the negroes is produced on the estate by their own labour, or is bought by the sale of their surplus produce, other than cotton. The interest of the invested capital in the negroes is more than compensated by the increase in their numbers. The cotton crop is nearly all profit, for there is no rent to be paid for the land, as in Europe, or land tax to the Government, as in India. The skill displayed in the culture of the crop is not equalled, on a great scale, in any other country. Combined capital and sagacity have done their utmost to increase the production and thus lessen the cost.

The growth of the Southern States in 1840 was 1,600,000 bales, when the price here was 9d. a pound. In 1860 it had increased to 4,600,000 bales, while the price had gradually fallen to less than 6d. a pound. That fact ought to settle the question of the cheapness of slave labour, in a country vast enough to admit of constant expansion. Then, again, the combined energy and intelligence of the planters was devoted to facilitating the means of exporting their great staple. The cotton is ginned on the estate, and baled and pressed before being sent away. Fraudulent admixture is never thought of in a country where buyer and seller are alike intelligent, and where the courts admit of

a ready remedy. But all this prosperity was founded on the basis of slavery, and cannot, in the opinion of the planters, be maintained without it. Besides slavery, however, it required the constant power of expansion to new and fresh land. The slave system has been a quick, money-making system, without reference to its permanence. As soon as the old land was exhausted, new land was broken up. Old cotton lands, when worn out by successive cropping, become arid wastes. Immense tracts, amounting to perhaps one-third of the best cotton lands in the older States, are now reduced by this exhaustive system to desolate, sunburned, uninhabited regions, upon which even weeds refuse to grow. The power of moving to the territories west of the Mississippi, where fresh land was to be had, was becoming an every day necessity to hundred of planters; and should the entrance to these territories be shut up, they must either abandon cotton planting, or adopt a system of careful tilling and manuring. The effect of this would at once cause a rapid rise in the cost of production, and place the Southern cotton planter more on a par with those of other countries. From this, I think, it will be clearly seen that the pre-eminence of the American cotton-grower is mainly due to the double system of slavery and wasteful cultivation. What, then, are the probabilities that this may continue? If the South should be everywhere victorious, cotton will very soon be as largely cultivated as ever, though the cost of production will be increased by the planter's proportion of the interest of the war debt. If she is shut up from the territories west of the Mississippi, the cost of production will be greatly increased, and the produce diminished; and if the final issue should be the entire subjugation of the South, and the gradual emancipation of the slave, there will be an enhancement for years in the cost of production of American cotton. The extent planted this year is not expected to yield more than 250,000 bales; and between what has been destroyed, and what has been lost and rotted for want of the means of baling and storing, it is believed that there do not remain more than two and a half million bales available for export. Come when it may, this will be immediately absorbed; and it must be perfectly obvious that we must for some time to come look to other countries as well as America for cotton. And no conclusion of the war seems now to be pos-

sible which would admit of cotton being produced with the same abundance and cheapness as before. But already the system has been introduced of a gradual transformation from slavery, through serfdom, to freedom. General Banks, in Louisiana, and General Payne, in Tennessee, have instituted a plan which enforces labour on the plantations, and regular monthly payment for that labour; and both parties find it to work advantageously. If the North prevail, this system will be substituted for slavery; and it can hardly be doubted that the Southern States will thus gradually re-extend their cotton culture, and again take their place in the first rank of cotton supply. Whether, therefore, the issue of the war is for the North or South, we may safely anticipate that it cannot last much longer, and that, with a moderate increase of price, we may confidently look to America for at least one-half of her former average supply.

If we suppose that the future range of prices shall be 50 per cent beyond that of the past few years, we may hereafter expect 1,000,000 bales yearly from the Mediterranean, Brazil, and other quarters, and at least 1,500,000 bales from the Southern States. With what India can yield, there would thus seem to be no need for alarm about a possible extinction of our great cotton industry. For a time the present check may continue, but every month is bringing increased supplies, and the stock at present in America may any day be thrown open to the markets of the world. I confess that I feel some satisfaction in thus coming to the conclusion that we are not likely to be forced to rely mainly on India; for, after a careful study of the blue-books and Indian Reports on cotton culture, I am bewildered by the contradictions and varieties of opinion and the confusion and collision of authority, and the want of any guiding mind to unravel the difficulties and give direction to well-considered plans for developing the growth of cotton. The only thing that comes clearly out from the 500 pages of blue-book is the constant readiness of the Secretary of State to discourage every attempt made by the Indian Government with that object.

I have consulted not only recent Returns but Reports of Committees of former years—Mr. Bright's Committee of 1848, and a Committee of 1846, appointed in Bombay from the resident merchants, of whom the hon. Member for the City was one. That Committee found that very little de-

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cline had taken place in the export of cotton from Bombay during a period of twelve years (the average annual export being 306,000 bales), although the price had during that time fallen from 3½d. to 2d. a pound at Bombay. They found that an increase of price of a halfpenny a pound restored the trade to healthy action; and that this increase had been the result of a slight loss of production by an unfavourable cotton season in America. What, then, may we not anticipate from India, from the stimulus of an increase of price almost fabulous? and that increase, not the result of a temporary failure of crop, but from such a total disorganization of labour as will, in all probability, lead to a steady continuance of a higher range of price for many years to come. In the first three months of this year the imports from India have increased from 213,000 cwt. in 1861 to 652,000 cwt. in 1863. From Calcutta, which did not send us a pound in 1860, there have been exported to England 133,000 bales in 1862. The facts, therefore, are against the Secretary of State, who discourages the hope of any great increase of Indian cotton. And in discussing the Indian question, it is necessary to distinguish between what are the legitimate functions of an Indian Government, as compared with our own. The Indian Government is not only a despotic Government, but it is a great absentee landlord, managing its estates by resident agents. It is the duty of such a Government to initiate and carry out all those local improvements, such as roads and means of irrigation, which in this country would properly be left to individual landowners.

It seems that great exertions were made by the various Governments in India to meet the prospective cotton famine in England. On 28th February 1861 the Governor General transmitted a well-considered Regulation on the subject to the various Indian Dependencies. In this he laid down clearly what the Government ought not to attempt to do, and what they could do with advantage. It is distinguished by practical good sense, and, if it had been permitted to be carried out without interruption, it was, so far, all that could be desired.

On the 25th July the right hon. Gentleman the Secretary for India disapproves of the Governor General's offer to pay the travelling expenses of gentlemen deputed by commercial bodies to accompany the Government officials into the cotton dis-

tricts. "It was objectionable, and ought not to be repeated." A whole page is devoted to a discussion of the principle of paying such travelling expenses. And the Governor General is obliged to justify his offer of travelling expenses by showing that the result of that offer had been the mission and report of Mr. Saunders on the cotton districts of the North West Provinces—one of the ablest documents in the blue-book. The Governor General then proposes to offer prizes for the growth of superior qualities of cotton, to test the possibility of improving the quality. The Secretary of State throws cold water upon this also. The right hon. Gentleman makes light of prizes for the improvement of agriculture in India. Is he not aware that immense advantages have attended the prize system of the three National Agricultural Societies of these kingdoms? Improved breeds of cattle, improved processes of husbandry, improved agricultural implements, and the general diffusion of knowledge on these subjects, fostered by the spirit of competition, have been the consequence of the prize system. The stimulus of private interest, which the right hon. Gentleman regards so lightly, is often dormant until roused by the much stronger stimulus of honour and the desire to excel. Other countries as well as ours have recognised this powerful motive, and have wisely made use of it for the improvement of agriculture. The French Government, under the Emperor, expends annually £25,000 in money, and about 5,000 medals of honour, for this special object. The beneficial effects are found in the diffusion of agricultural knowledge and improved processes in every district of France.

Again, in Madras, the governor proposes to remit the rent on certain small tracts of land to be used by the ryots in experiments for improving the quality of native cotton. This is sanctioned by the Governor General; but the Secretary of State, the moment he hears of it, disapproves and directs that the offer be withdrawn, and the Governor General's Council, thus snubbed, withdraws the order, with a hint to the Secretary of State that he has failed to appreciate their object in making the original offer. This repeated interference in trifles could have no other effect than to damp the efforts of the officials in India. But to turn to matters involving much larger results. The Governor General transmits Mr. Saunders' Report on the Doab, to the importance of which he

calls the attention of the Secretary of State. The Secretary of State, passing over the great questions treated of in that Report, the tenure of land and perpetual settlement, and the subject of a contract law, devotes himself to the vigorous condemnation of the objectionable system of seizing loaded cotton carts when required for government transport. And again, in reference to a Report upon Oude, he contents himself by saying that the particular points will, of course, be considered in the departments to which they respectively belong. In the whole compass of the 500 pages of blue-book, I do not find one intelligent suggestion offered by the Secretary of State to the Indian Government. In several instances, as I have shown, he disapproves of trifling orders, which, even if erroneous in principle, were hardly worthy of notice; but he initiates nothing himself. With regard to the question of land tenure, which was so ably handled on a previous debate by the hon. Member for Poole, why did not the Secretary of State send out his instructions for Lord Canning's guidance, instead of waiting for eight months to criticise and set them aside?

Then, with regard to a Law of Contract, why did he not instruct the Indian Government on the course they should follow, rather than discredit them afterwards by disallowing their proceedings? It is impossible, upon a perusal of the Indian papers, to come to any other conclusion than that, if there is to be an increased supply of cotton from India, it will not be through the aid of the Secretary of State.

Mr. Saunders, the Government Commissioner, shows clearly, that by superior cultivation alone both the quality and the quantity of cotton is improved, and by no other subsequent process can this be accomplished. But without going into great detail, and for the moment placing out of consideration the great cotton districts in Bombay and Madras, I will ask your attention to a single tract of country, where for many years there has been no export of cotton—the Doab, lying between the Jumna and Ganges, on which a careful and full Report has been made by the Government Cotton Commissioner, Mr. Saunders. This tract contains upwards of 12,000,000 acres of good land, which is three times the extent of the cultivated land in Egypt. It has a population of 9,000,000, or over 350 persons to the square mile, an average in excess of the population of China. It

has a deep porous soil of great fertility, well adapted to the growth of cotton. It is crossed and traversed by numerous canals which run nearly its whole length, and furnish the power of irrigation. The roads everywhere are good, and the railroad to Calcutta runs through its centre. Fifty years ago there was a large export of cotton from the Doab to England and China, but during the last thirty years it has been grown only for home consumption. Now this tract of country, in every way so admirably suited to cotton, seems to be only one out of a great number which are mentioned or referred to in this blue-book. The railway, for about 300 miles, is still incomplete, so that hitherto it has afforded no means of conveyance for the cotton. It is clear, however, that there is abundance of land in India most favourably situated in every way for irrigation where necessary, which will soon be opened up by railways, and with a native population of farmers and labourers through whom any extension of cotton culture may be made with the utmost facility. "It may almost be said that the supply would only be limited by the demand, so large is the field of production." Such is the conclusion of Mr. Saunders' Report. So much for the power of India to increase the supply. Can the quality be improved? The general testimony of the Indian officials is in the negative, as their general belief in the uniformity of the yield at 60 lbs. an acre is positive. But in some parts of India the introduction of American and Egyptian seed has been followed by increased produce and better quality; and the uniform experience of other countries is that careful culture and intelligent management have the same effect. And while much may be done in the improvement of the staple, and greater freedom from adulteration, much is at the same time being done at home to adapt the existing machinery to the use of Indian cotton.

The present circumstances of India are most favourable for cotton enterprise. The great cotton region of Dharwar is about to be tapped by the railway from Bombay. This will reduce the cost of inland transport by one-half, and enable the produce of the Dharwar Cotton Fields to be laid down at Liverpool, at a total cost for carriage of little more than a penny a pound. The ryots are said to be rapidly improving their condition, and becoming independent of the native bankers and traders, and thus capable of selling their cotton to the

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European merchant without such intervention. But if they cannot be moved to a vast increase of production by the stimulus of an increase in price from 3d. to 1s. 6d. a pound, no facilities of railway, road, or harbour, can be expected to tempt them. If the enormous wealth which has been poured into India for cotton last year, amounting to nearly twenty-five millions sterling, fails to set in motion every means of meeting the demands of this country which enterprise or rapacity can devise, then we must come to the conclusion that it is hopeless to look to India for more than a million bales of cotton. If the yield per acre cannot be increased beyond the average of 63 lb.—as stated in the Government Reports—it cannot be for the interests of India to grow so meagre a crop. For no conceivable advantage in the cost of labour could, in that case, enable her to compete permanently with Europe or America. To produce one million bales, India must have six million acres under cotton; while Egypt, Italy, or America could produce the same quantity on one. Possessing, as India does, a suitable soil, and abundance of labour, it seemed to me that farther inquiry might have tested this important point.

I feel it impossible to conclude without some reference to the circumstances under which Mr. Laing was forced to resign his position as Indian Finance Minister. He gave up his seat in this House, and a high office in the Government, to proceed to the unhealthy climate of Calcutta. He there, by great ability and industry, carried forward towards completion the plans initiated by Mr. Wilson. He foresaw the successful issue of these plans in a rapidly-filling exchequer; and, at a critical time for this country, he felt himself justified in advising large outlays on those works for opening up the communication of the country, which have been dwelt upon by all authorities for the last twenty years as most beneficial for India. The Secretary of State, living comfortably at home, with no similar opportunity of acquiring knowledge, corrects Mr. Laing in such a strain as no honourable man could submit to, and Mr. Laing resigned his post. But what is now the result? Mr. Laing's successor, in his financial speech of 30th of April last tells us, that instead of the surplus which Mr. Laing estimated, £179,814, the amount had actually been £936,925. And this after allowing all the omissions and deductions which Sir Charles Wood

expected would result in a deficit of £284,086. It is impossible not to feel that so grave an error, and so great an injustice, on the part of the Secretary of State, must lessen his authority in this country upon Indian questions. At this moment, with the welfare of 180 millions on the one hand, and the wants of our manufacturing people on the other, there is no office under Government which demands higher talent and more scrupulous conscientiousness than that of Indian Minister. Turning to the Motion on the paper, I feel that the lateness of the Session may be pleaded for refusing a Committee; but I hope that this discussion may help to re-assure the country regarding the probability of an increased supply of cotton, and to show the extreme rapidity with which other countries have already contributed to fill up the gap caused by the unhappy war in America.

**Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire whether any further measures can be taken, within the legitimate functions of the Indian Government, for increasing the supply of Cotton from that country;"—(*Mr. Caird*,)

—instead thereof.

**Question proposed,** "That the words proposed to be left out stand part of the Question."

**Mr. BAZLEY** said, he agreed with his hon. Friend in many of his observations, though he did not hold the sanguine views which he entertained. He agreed with him in his general conclusions as to the resources of India being so large, that if this country did not in a short time receive large augmentations of its cotton supply from India, the Indian policy of the Government would be very much to blame. Looking at the state of the manufacturing districts, he submitted that it was the duty of the House to inquire into the capabilities not only of their East Indian Empire, but of their whole colonial possessions for the production of cotton. Since the breaking out of the war in America, the great cotton districts in the North had been afflicted with an amount of distress beyond anything ever heard of or known in this country. Capital had been lying waste; labour had been pauperized and banished from its home, and the prospects of the manufacturing districts of the country were very gloomy. Formerly this country con-

sumed 50,000 bags of cotton per week—42,000 of which were derived from the Southern States of America. That was to say, 85 per cent. of the whole quantity imported came from America; of the remainder, 8 per cent came from Egypt and other foreign countries, and 7 per cent only from India. In the last few years, indeed, the supply from India had increased, not however because cotton was more extensively cultivated there, but because England drew away the stocks intended for the use of the natives of that country. There was no reason to suppose that much more cotton was produced in India now than there was three or four years ago. With great discretion Lord Russell, when the unfortunate convulsion took place in America, addressed a communication to his friend the Chairman of the Manchester Chamber of Commerce, expressing his opinion that the trade of Lancashire was about to be embarrassed by being deprived of a large supply of American cotton. His Lordship stated, that he had felt it to be his duty to instruct British consuls in all parts of the world to direct their attention to the supply of cotton. That was a laudable service rendered by the noble Lord; and the Under Secretary for Foreign Affairs had displayed considerable alacrity in following the same course; but while they had been urging foreign countries to send us more cotton, the Government had been neglecting to stimulate the cultivation of that article in their own Colonies and dependencies. He wished to know whether it had not occurred to Her Majesty's Government to instruct the governors of the various Colonies to exert themselves in this matter. The House had been passing Acts to provide extraordinary employment for the people in the north of England, but the Government had neglected to do their duty, and the consequence was that they had withheld from the people that material which would have supplied them with labour, comfort, and abundance. He hoped the debate would stimulate the Government in their arrangements for the cultivation of cotton in India. They had lately seen in the lobby of the House a beautiful specimen of cotton from Jamaica. Now, there were hon. Members in the House who possessed estates in the West Indies; but he was not aware that any communications had been made by the Government to the officials in those islands to stimulate them to grow cotton. The



efforts made by Earl Russell had been exceedingly successful. Turkey, Italy, and Spain were beginning to grow cotton. They were getting an increasing supply from Egypt. Even from Morocco there was a prospect of obtaining a supply, and China had sent some very beautiful and excellent cotton to our relief. It surely could not be expected that cotton-spinners should become growers of the raw material as well as manufacturers of it. To expect that would be most unreasonable; but if facilities were afforded, many of their own Colonies were in a position to furnish an adequate supply. Look at what America was doing. 160 acres of land were offered to able-bodied emigrants; but Australia only made the paltry offer of fourteen acres, the value of which was not equal to the cost of the emigrant's passage. In India there were also difficulties which retarded the cultivation of cotton. The French Government were doing a great deal to increase the supply of cotton. About this time last year an offer had been made by the French Government of 60,000 acres of land in Algeria, through himself, to an Anglo-French company for the cultivation of cotton. The hon. Member for Stirling district and others immediately determined to send out competent inspectors, with the view of surveying the land, and a considerable sum of money as well as a considerable amount of labour had been spent in provisional arrangements. At length, when it was thought the experiment of cultivating cotton in Algeria was about to produce satisfactory results, the red-tapery of France put difficulties in the way—military difficulties they were said to be; and although the Emperor of the French would have been glad to see the project carried out, it had to be abandoned. The French Government were doing much at the present moment, draining the land and establishing reservoirs for purposes of irrigation, with a view to the cultivation of cotton in Algeria. He wished he could say that our own Government were offering inducements at all comparable to those held out by the French Government. It had been said that the cotton trade itself had not exerted itself in this matter. But for thirty years the Manchester Chamber of Commerce had been enforcing on the Government the necessity of diminishing their dependence on America for the supply of cotton; and within the last three or four years they had sent no less than 300,000 tons of cotton-seed to various parts

of the world. He himself had, along with some other gentlemen, joined an Australian cotton speculation, which promised to be attended with success. In Queensland cotton was being successfully grown, and it was found that one acre in cotton-crop yielded £40. A supply of ten bags had been received in this country from Queensland which had been grown on ten acres, and which had been sold for upwards of £400. They must also turn to Natal and other places for supplies of cotton, and especially to their Indian possessions. It was said that the Indian Department did not wish to interfere with the great economical laws of commerce, but he would be glad to know if the growing of opium was included in the policy that was said to guide the Indian Department. When it was said that in the Southern States of America cotton could be grown at a small cost, it should be recollected that they were likewise informed that excellent cotton could be grown in India at three farthings per pound, and there was no question about the power of India to supply them with all they required. Some time ago the hon. Member for Birmingham endeavoured to provide for the contingency that had since arisen. If the policy then suggested by the hon. Member had been adopted by Lancashire, they would have been spared this calamity, which had almost overwhelmed the most industrious people in Great Britain. He was not aware that any Committee of Inquiry would materially develop the resources of India in a manner that would be immediately useful. They had information before them, and what they now wanted was energetic action. He had received an important communication from Calcutta which contained the following statement—

"I am convinced that India could compete with America in the growing of cotton, and render England independent of foreign countries, and save you from the fear of a repetition of the present calamity. No great undertaking can be carried on in India with a prospect of success without Government support. The Government of India is well disposed to develop the resources of India, but cannot control the subordinates."

It was really very annoying that Europeans in India should be considered as interlopers, and that subordinates should be allowed to thwart the policy of the higher Members of the Government. The people in Lancashire had waited patiently for the supply of cotton, and there should not be either apathy or negligence on the part of the Department that could assist to obtain it. He would conclude by expressing his

sober conviction that they need not look to America at all for future supplies of cotton. They had abundant means in their own possessions to supply them with all they wanted, and with more than they wanted; but, at the same time, they ought to do all they could to develop the resources of the country from which they could obtain a supply.

Mr. SMOLLETT said, he could hardly suppose that the hon. Member for Stirling wished a Committee to sit in the dog days, and he therefore presumed that the Motion was merely made as a peg on which to hang an Indian debate, in order that hon. Gentlemen might discourse on what was called the apathy of the Indian Government in the development of the resources of India. Although good might come from ventilating the subject, there could be no practical result from the Motion, as the hon. Member for Stirling had not made a single practical suggestion. Last year the hon. Member for Stockport (Mr. Smith), who brought forward the subject, had a practical suggestion to make; he supposed that Lancashire would be flooded with cotton if the Godavery could be opened to navigation. The right hon. Member, though he might have known it was a delusion, promised the hon. Gentleman that his pet scheme should be carried out without further inquiry, in order to conciliate hon. Members on the Liberal side of the House, who, although they vituperated the Indian Secretary's policy behind his back, were discreetly silent in the House, and were the staunchest supporters of a Liberal administration. Somewhere about the same time Lord Shaftesbury stated, in another place, that because that project had not been carried out before, 6,000,000 bales were rotting for want of a market; and a mere complete illustration of the stupendous ignorance in high places on these subjects could not be conceived. He himself had taken the opportunity of warning the House against placing any reliance on the scheme for opening the Godavery, which he was convinced would turn out to be a delusion, and information which had been received since that time completely confirmed the justice of his views. The Calcutta correspondent of *The Times*, in a recent letter, stated that Colonel Bruce, the Inspector General of Police, happening to be at Nagpore in the discharge of his duties, had returned to Calcutta by the Godavery route. He reported to the Governor General what he had seen, and in

his report that gentleman, who was an intelligent and disinterested, although an official witness, stated that at the height of the monsoons he embarked in a canoe and a raft, the raft drawing twelve inches of water, at the spot where the navigation was expected to commence, and, proceeding down the river, it took him thirty hours to go the first twenty miles, the canoe and raft requiring in many places to be drawn over the shallows by main force. Colonel Bruce recommended the abandonment of the upper part of the navigation, and the concentration of effort upon the lower sections of the river, as what he had seen and heard convinced him that the upper portion of the river could be made navigable for only two or three months in the year. He said, too, that when the river was opened, no cotton would ever come to it for transport down, because the cotton grown in Berar was plucked and pressed in February, and people would not keep their cotton in the district until it would be exported by the river. Even if they did bring it to the river, it would have to break bulk two or three times, which would be fatal to the scheme. Various other suggestions had been made on this subject. At a meeting which took place last year in one of the manufacturing towns, the hon. Member for Birmingham had recommended that the Government should exempt from the payment of rent for two years all land within their territories on which cotton was grown. That was a suggestion which a Committee of that House would hardly occupy a quarter of an hour in discussing. Its obvious effect would be to deprive the Government of India of a revenue of half a million sterling, which under the circumstances they could very ill spare. Another suggestion had been made by the hon. Member for Stockport, which had been often discussed both in that House and out of it—namely, that at the commencement of the cotton crisis the Government should have caused notice to be given in the various cotton-growing districts that they would receive any quantity of cotton from the ryots, and guarantee a price of 3*d.* a pound, which was 1*d.* more than the ordinary payment for the article. It was his opinion, that if such a proclamation had been issued, it would have been received by the people of India with the utmost distrust; and an obvious reason why it would have been a failure was, that in all the places under their sway in India cotton had feteli-

ed two or three times that price during the last two or three years. Mr. Temple, the Chief Commissioner in the Nagpore territories, reported that during 1862 the price had been 7½d. per pound, and that on the 1st of January in the present year it had risen to 11d., when the produce of the crop was known. If prices like those did not lead to increased production, was it reasonable to suppose that any Government guarantee of the kind suggested would be of the slightest good? They had been told that the ryots were entirely eaten up by usurers, that the cotton grown was grown under contracts, and that the ryots were so ground down that they could hardly keep body and soul together. If that were true, would it be mended by the proclamation of a Government guarantee of 3d. a pound; or were they to set the example of putting aside the contract system just after they had made the breach of civil contracts in India a penal offence, subjecting those guilty of it to fines, to imprisonment, to stripes, and to hard labour? He denied that the ryot was in the state in which he was represented to be. He had lived for years in the agricultural parts of India, and mixed with the ryots in almost every district, and he totally denied that they were eaten up by usurers. On the contrary, he had found that the supposed victims were a docile, industrious, and prudent race. In India cotton was grown as a matter of business. The people there knew their own interests, and they attended markets and fairs much more regularly than the people of England. But the fact was, that during the last two years crops of every kind fetched three or four times as much as they did formerly, and the consequence had been, that whenever there was an upward tendency in the cotton market, more land was put into cultivation; and that when prices sank, cotton cultivation, following the natural laws of supply and demand, diminished. All that the ryots wanted was to be let alone, and that there should be no government interference with prices. The Cotton Supply Association of Manchester had sent up a Petition in which they had stated a number of mere truisms on the advantages to India of the speedy construction of railroads, canals, and other means of conveyance. Had hon. Members forgotten the speech of the right hon. Baronet the Secretary for India at Halifax, when he stated that the Government, urgently pressed on that point, had borrowed money, and were prepared to send it out to Lord Canning, when they

*Mr. Smollett*

were stopped by Lord Canning, who told them that there was actually more money in India borrowed for such purposes than could be expended without reckless waste, in consequence of the impossibility of sufficient inspection? The right hon. Baronet stated, that for the last five or six years they had been borrowing at the rate of £7,000,000 sterling on the credit of the Indian revenue for railways alone, and that no less a sum than £11,000,000 was being annually spent on public works under Government inspection. He (Mr. Smollett) doubted very much the expediency of giving credit for £50,000,000 or £60,000,000, as had been done on the single responsibility of the Secretary of State. Transactions of such magnitude ought to come under the supervision and control of Parliament. The statements that the sums of money already available for improvements in India could not be used was received with a shout of incredulity and derision in Manchester. They said that it was strong language to be used by the Secretary of State; that he had dismissed the great financier, Mr. Laing, from the service with ignominy, because he proposed to take a million sterling annually from the surplus to spend on useful roads; and yet a few months after he had proposed to spend the whole surplus of £4,000,000 created by the ingenuity of Mr. Laing. The fact was, there was no surplus at all. The money proposed to be spent was in reality borrowed on the Stock Exchange in England where the money market was easy. The railway associations were not associations of capitalists who ran any risks, but gentlemen who had no money to spare when discounts were high; but when discounts were at 2½ per cent, they lent money at 5 per cent, and when the pressure came they repudiated their transactions, and said that they could not carry on the work without assistance. That happened in 1861-2. In July 1861, the money market being very stringent, and discounts £6 or £7 per cent, the railway associations informed the Minister that they could not go on unless he supplemented them with cash. The right hon. Baronet, to prevent a crisis, borrowed £4,000,000 on the London Stock Exchange, and took authority from the House to borrow as much more. But in July 1862 the rate of discount had fallen to £210s. and £3 per cent, and the railway association flooded the market with bonds, debentures, and stock. They raised £7,000,000 or

£8,000,000, and put a handsome profit into their pockets; they repaid the loan at 5 per cent, and the consequence was that there was an accumulation of £4,000,000 or £5,000,000 in the Secretary of State's office, which was devoted to paying the expenses of the Government of India; and consequently, when the Indian accounts were gone into, they having paid nothing out of the Indian revenue for the expense of carrying on the Government, there appeared to be a surplus of £4,000,000, which was dilated upon as showing the elasticity of Indian finances and the prosperity of the country, whereas it was, in fact, nothing more than borrowed money. There was one more question. The Cotton Supply Association desired a change of the law of tenure and a settlement of the land in India, so as to give security and an impulse to the growth of cotton. Now, he (Mr. Smollett) agreed with the Association in this matter, provided they were agreed as to what a settlement of the land of India meant. The only true permanent settlement of land in India, which would be productive of benefit, was an extension of the settlement of land on the principle adopted by Lord Cornwallis in 1793, and to which Lower Bengal was indebted for its prosperity. The principle of that settlement was to denude the Government of its character of landlord, transferring the groups of farms, called villages in India, to proprietors of estates, who paid a gross amount to the Government, and made their own arrangements with the tenants. But that was not the sort of settlement gentlemen connected with the cotton trade wished to see extended to other parts of India. The hon. Baronet proposed to retain the Government landlordism, and to collect the revenue by Government officers, not in gross but in detail, fixing an annual rent upon every field or quarter of a field, payable notwithstanding a deficiency of produce or depreciation of specie. Such an arrangement would tend to perpetuate the system of agrarian communism prevalent in Southern India, and to break up the great principle of self-government inherent in the village system. It certainly must prevent colonization, because it was not to be supposed that capitalists would lay out money on land for which they were not to get an increased rent; and yet that system was supported by the Manchester school, who nevertheless, talked of the immense importance of colo-

nizing British India. A great change had, however, taken place in the public mind in respect to India. Last winter agitation was triumphant in the provinces; and the right hon. Gentleman the Secretary of State for India, was one of the best-abused men in the kingdom. Even at the beginning of this Session he was regarded by his Colleagues on the Treasury bench as the Jonah who must be thrown overboard if the Treasury ship were to be saved. Now, on the contrary, he was as popular as any of his Colleagues, always excepting the noble Lord the Member for Tiverton, who was a universal favourite. Quite recently he received a letter informing him that at Glasgow a vote of confidence had been carried in the present Indian Administration, although last winter the same commercial body, led away by popular clamour and the eloquence of Mr. Laing, declared against the measures of the right hon. Baronet.

MR. COBDEN: Sir, I wish to address a word to my right hon. Friend the Secretary for India, in the hope that I may be able to call back the practice of this House in regard to Motions of this kind to that which prevailed in former times, but which in his case, and in the case of the Under Secretary for Foreign Affairs, has been departed from lately. On the last occasion when the question of India was brought on by the hon. Member for Poole (Mr. H. Seymour) in a very elaborate speech of two hours' duration, the right hon. Gentleman abstained from speaking until nearly midnight; and on the occasion of the Chinese debate my hon. Friend the Under Secretary for Foreign Affairs declined to rise and speak at all, and the debate therefore came to an end. Now, the good old practice was—and I wish to see it restored—that when the policy of the Government is arraigned in this House in a well-considered statement, the Minister representing the Department so arraigned should vindicate his policy, and also submit his view of the case to the House; it is then our duty to criticise, and, if necessary, to correct what we may believe to be the erroneous policy of the Government. But if we elicit no statement from the Minister till midnight, and the right hon. Gentleman is merely to listen to the compliments of the hon. Member for Dumbarton or the complaints of other Members, and then to make a statement in reply, no one has the opportunity of commenting on his arguments. I think it would be more respectful

to the House, and more convenient for the conduct of public business, that the practice which has always prevailed until within the last few months should be restored. If we are now to have a repetition of the India debate simply because on the last occasion the right hon. Gentleman did not speak early, and if on Monday we are to have a repetition of the China debate because the hon. Member for Southwark did not speak at all, I say it would be better both for the interests of the Government and of the House of Commons that the practice so recently interrupted should be renewed. We have been imitating the Von Bismarck Parliament at Berlin; we seem to have come here rather to receive the orders of the Government than to impart our own views. The hon. Gentleman who has just sat down (Mr. Smollett), alluded, in rather severe terms, to the conduct of those who out of doors hold one language respecting the right hon. Baronet and in the House another. Now, I think that the hon. Member, in his own person, is one of the most extraordinary cases of that betrayal of out-of-doors opinions I have ever seen. The hon. Gentleman addressed a meeting, in Manchester, of the Cotton Supply Association, and certainly did not spare the right hon. Baronet. The meeting was presided over by my friend Mr. Cheetham, the Chairman of the Cotton Supply Association, and my hon. Friend's speech was afterwards published as a pamphlet. I will read the briefest possible abstract. In page 4 he says—

"The defects of our Indian administration are the true cause of India's comparative sterility and poverty; the chief obstacle to all progress being the want of a secure tenure of land."

In page 6 the hon. Gentleman says—

"The want of a secure tenure of land in perpetuity, similar to that enjoyed in the British Colonies, is the great necessity of the times in India."

Now, to-night the hon. Gentleman tells us that all these poor ryots want is to be allowed to be let alone, that they know the state of the market, and that if only let alone they can carry on their business as well as English farmers. According to the hon. Gentleman's speech now, and the high compliment he pays to the head of the India Department, nothing is wanted, and these ryots are perfectly happy and contented. Now, I do not wish to be misunderstood in the very few words I have to say on this question. We have often been taunted with not maintaining our principles

of free trade in our dealing with these Indian questions; but are we in our relations with the Indian Empire governing by the principles of Adam Smith? The Government here is the most gigantic absentee landlord in all the world. This country owns the land of India, and this Parliament is responsible for its government, for it is the ultimate appeal. The right hon. Gentleman at the head of the Indian Department is, in fact, the agent and trustee of this great Indian farm. It is not as though the Indian ryots were intelligent enough to cultivate the land and turn it to the best advantage. Why, there is not a ryot who pays 19s. or 20s. a year of rent but is visited by a sub-collector from the English Government, and the hon. Gentleman will agree with me that there is a great deal of fraud and oppression perpetrated. [Mr. SMOLLETT: Hear, hear!] All that is done under the authority of the English Government. The collectors have sub-collectors, who not only gather these miserable rents, but have the settlement of the rent from time to time, so that the poor ryot does not know what further claim may be made upon him, and is not sure that he will pay the same rent next year as last. In fact, it is scarcely known what arrangement is made between these collectors and the ryots. Under these circumstances, if we urged that the Government should—under the peculiar conditions we have found ourselves in during the last two or three years—have endeavoured, in the first instance, through their collectors, and then through the native collectors, to reach these poor ryots, to inform them of what is going on in Europe, and of the impending great rise in the price of cotton, given them encouragement to plant cotton, and offered them seed, that, I say, was perfectly legitimate. It would not be considered illegitimate even in England for a landlord thus to encourage an intelligent tenant to improve, say, the breed of his stock, or to introduce better implements. Under these circumstances, and seeing that we have the Indian Empire on our hands—I do not say for our ultimate good, for I doubt it—what is so natural—as it is the country of all others that could give us at a short notice a great supply of cotton—what is more natural than that the cotton manufacturers in England, and I, as well as their representatives in Parliament, should expect from the Government and from the right hon. Gentleman, that in the face of the threatened privation

of cotton which they foresaw, they should have endeavoured to promote among these poor cultivators the knowledge of what was impending, and stimulate and encourage them to supply the deficiency? Has the Indian Government done that? If they had merely done nothing—if they had merely neglected to do their duty, I could hardly, perhaps, stand here with so strong a case as I do; but when I see in the blue-book to which my hon. Friend has alluded that the right hon. Baronet has, I may say, with the most cold-blooded indifference, actually put obstructions in the way of the authorities in India when trying to give some stimulus to the production of cotton—I say, that if we had an Opposition in this House—which we have not—the right hon. Gentleman would be impeached for his neglect of duty. I will read a little extract from the blue-book. I wish the right hon. Gentleman could blot it out, or that it had not been written. It appears that the Governor of Madras had authorized the collectors in the districts to exempt thirty acres of land from the land tax and the rent, if they were used for the purpose of trying experiments in cotton, wherever they thought it desirable. The collector, I presume, is a gentleman who rules over an estate containing, probably, as large a population as Yorkshire—a million or two—besides being the Judge or head magistrate—almost, in fact, the despot of that territory. [Mr. SMOLLETT: Not always the Judge.] Well, generally the head magistrate. My right hon. Friend hears of the arrangement, and sits down and writes a despatch to the Governor of Madras in July 1862, in the midst of our great depressing emergency, from which I will read a short extract—

“I observe that you have authorized the offer to a few intelligent natives, to be selected by the collectors, of a remission of assessment for five years on such spots of land (not exceeding thirty acres in each case), as they may be willing to devote to the improvement of native cotton, due care being, of course, taken to ascertain that the terms of the agreement are satisfactorily fulfilled.

I cannot approve of your having given to the collectors generally a discretion to remit the permanent revenue upon land to the extent of thirty acres in favour of any persons who may display a willingness to devote the land to the improvement of native cotton.”

Among the despatches there is one from Mr. Wedderburn, an acting collector, who says that about five hundred acres had been employed in experiments in the cotton culture, which would not have been so employed but for this inducement. Now,

only think of a Minister, governing a territory about, I believe, 700,000 square miles in extent, sitting down and telling the Governor of Madras that he is not to allow the collector to permit thirty acres of land to be appropriated tax-free to experiments in the growth of cotton! Is it not miserable? Is it not more worthy of the management of a chandler's shop than of the administration of a great empire? I venture to say that no proprietor of an estate in England of a few thousand acres, if he received a letter from his bailiff, stating that a farmer wanted to try experiments in growing chicory, or anything that afforded the prospect of a good return, would thus deter him from doing a thing dictated by common sense, and likely to lead to good results. There are two changes that have for years been recommended by the highest authorities in India as the means of improving the state of things in that country. The one is the settlement of the land in perpetual tenure, and the other is the sale of waste lands. Now, I do not think the hon. Gentleman the Member for Dumbarton (Mr. Smollett) would agree with me upon the sale of waste lands as he does upon perpetual tenure. I think I have heard him make some remarks on former occasions rather unsound on that subject. He seems to be afraid of parting with the land unless he can get a good price for it. [Mr. SMOLLETT: For the value it would bring.] What you want is that the land should be occupied and turned to some useful purpose; and when you find the American Government offering land for threepence an acre, how can you expect people to go so far as India to buy land dearer than it could be bought for in America? Your main object should be to get the land occupied, and not to throw obstacles in the way of settlers. The right hon. Gentleman has written out instructions upon the land question, upon which I must make a remark. It must be painful to him to hear the remark I am about to make, but it is necessary that persons in office should hear unpleasant things when their conduct requires animadversion. I am going to read an extract from a despatch, which I should hardly have believed the right hon. Gentleman had written. It would seem to be a despatch which somebody else had penned and signed in the name of the right hon. Gentleman. We know that a Minute had been prepared of Regulations for the sale of waste lands, attributable

partly to Lord Stanley and partly to Lord Canning. That Minute was not very objectionable; it was generally favourable. But here is the Regulation which my right hon. Friend has substituted for it. I am reading from the blue-book what purports to be the right hon. Gentleman's language. He says—

"The applicant shall deposit with the collector the estimated expense of such survey and demarcation, and on completion of the survey the lot shall be advertised for sale by auction to the highest bidder. If the land is sold to some other purchaser, the applicant will obtain repayment of the money he has advanced for the survey."

This is a joke; the right hon. Gentleman cannot be serious. Conceive a man advancing money for a survey that he may have the privilege of buying the land by auction, and in the hope that if he does not get it he may his money back again. The right hon. Gentleman goes on to say—

"Should he become the purchaser, he shall receive a deed signed by the collector, putting him in possession of the land, subject, nevertheless, to all general taxes and local rates, and to any other claim, whether of Government or otherwise, that may have been, or may hereafter be, established in any court of competent jurisdiction."

This is telling any unfortunate man who may wish to buy land, that if he does so, he will buy, with his eyes open, a lawsuit in regard to half a dozen claimants. It seems incredible almost that that document could have been sent out by the right hon. Gentleman, and at such a time as this too! I do not know that the sale of waste lands would greatly contribute to the growth of cotton in India. It might or it might not. But a very high authority upon Indian affairs—I allude to Mr. John Crawford—speaking of the cultivation of coffee in Ceylon, says—

"The success of the culture of coffee in Ceylon has sprung from the investment of English skill and capital, with the liberal principles on which the sale of wild lands has been conducted, a fair administration of law and police, and the abundant supply of labour furnished by the voluntary emigration of the half-starved population of the neighbouring continent. A better practical example of the beneficial results of free trade and free culture could not well be adduced; and it well deserves to be noticed, that herein the Government of Ceylon forms a contrast to the jealous and frustrating policy still pursued, and chiefly under home instructions, in continental India."

I believe Mr. Crawford is right in saying that all the obstruction to improvements in India comes, as a rule, from the delays at home, and from the actual impediments

*Mr. Cobden*

thrown in the way of the administration in India. Depend upon it that it must be more and more a question for this country to consider how it can transfer the Government of India with due responsibility to India itself. Nothing but evil can come from attempting to govern a country twelve thousand miles off by an agency in this country. My hon. Friend has told you how much larger the increase of the cotton supply has been in the Mediterranean countries than in India. What has been the progress in India? Last year India sent us about 1,000,000 bales of cotton. This year it has sent us 1,100,000, or perhaps a little more. In some countries the cotton supply has been doubled in a twelvemonth, while in India the increase has been only ten per cent; or, rather, there has hardly been any increase at all, because there has been vile adulteration in the supply—dust, rubbish, and great stones have been packed up in the cotton bales. What has been the temptation offered to India to increase the growth of cotton there? We are now paying to India 16d. per lb. for what in 1860 we paid only 4d. [An hon. MEMBER: In Liverpool.] We are paying to India this very year £21,000,000 more for our cotton than we have paid for the same quantity of cotton in 1860. You would say it was quite impossible under these circumstances that you could fail to have a largely-increased supply from a country like that. Well if we do not, I attribute that very much to the circumstance that the poor cultivators were not informed sufficiently early of what was likely to happen in this market. They have very likely heard now. My right hon. Friend told us last year they were ignorant of the prices we were paying. My complaint against my right hon. Friend is that a year or two years ago he threw obstructions in their way. If due vigilance had been observed, if your collectors and other subordinates had been instructed to inform the agricultural population of the prospects of our cotton market, we should have had a larger supply of cotton from India. A great deal has been said about the manufacturers coming to this House and asking for assistance in obtaining a supply of cotton. Now, I do not come to this House or to any one else to help me to get cotton. I say you are in possession of India, and for Heaven's sake, in the present crisis in Lancashire, try to get cotton there in a legitimate way. I maintain that this is a matter in which not

merely the cotton spinners and manufacturers of this country, are concerned. I wish to say a word with regard to the position in which Lancashire stands with regard to this House, and what I may call the governing classes in this country. A calamity has befallen us, national in its effect and national in its origin. It is not a calamity that has befallen us through any neglect of duty. It is not because business is dying out, because coal or iron is exhausted, because skilled hands have gone out of the country, that this crisis has happened. You have capital in Lancashire ready to employ all your people, and ready to compete with all the world. You have the most ingenious artisans and the most enterprising capitalists in the world; but they have been deprived of the raw material of their industry, and by no act of their own but by a national act. This blockade of the Southern ports of America is part of the national policy. We say commercial blockades are a mode of carrying on war which we must maintain. But I say, when a calamity like this falls on a portion of your population by operation of national policy, it is the interest and the duty of every class in the community, according to their station and their means, to do their utmost to mitigate that calamity. And with regard to this Indian question, I hold the right hon. Gentleman first and foremost responsible. But I maintain that all those who are engaged in India, all those who benefit by Indian employments, are bound to use their best exertions to mitigate the evil under which our cotton manufacture is suffering. I remember that the President of the Manchester Chamber of Commerce, when speaking on this question, said there are a great many employments in India, many had obtained high honours and high rank in the service of India, but he never heard of any of the people of Manchester getting any of those appointments. Speaking myself as a representative of a cotton constituency, I do not come here *in formâ pauperis*. I ask for nothing in the way of charity, but I complain of you for not having done your duty in this matter, and I demand that you do it. Nor do I wish anything to be done in this matter that is hostile to the interests of India. I do not want the rights of India to be sacrificed for the benefit of the cotton spinners of Rochdale. I only ask that their own interests may be consulted. I ask that your superior intelligence and your superior morality shall be

employed in improving the condition of the people that you have made dependent on you. I maintain, as was said by De Tocqueville, that our only title to be in India at all is because we are supposed to be superior to the people of that country, and can therefore confer advantages upon them—can improve their morality and their prosperity—can give them a secure tenure of land, and those rights and privileges which we ask for ourselves. And I again say that their interests and our interests can be brought into harmony by the employment of such courses as I recommend to the right hon. Gentleman. I maintain that what I demand may be done in the interest of that community, and in the interest of my constituents. I would scorn to stand here and ask anything for my constituents, if they were starving, at the expense of the agricultural population of India.

MR. PENDER said, he was anxious to call attention to a few points that appeared to him to bear on the question; but before he referred to these one or two points, he would revert to what fell from the hon. Member for Dumbarton as to the quantity of cotton in India, and to a statement made by a noble Lord in the other House. He believed that that statement owed its origin to Members of the Indian Council. He had occasion last summer, in conversation with a noble Lord, to refer to the apathy of the Government, and the noble Lord retorted by saying that there was abundance of cotton in India if British merchants would send out to fetch it. He (Mr. Pender) stated, that if the British Government would send out an agent to India, he would send out an agent with him; that if the cotton was found, he would buy it; and if any large supply could be found, he would pay the expense of the Government agent as well as of his own agent. The noble Lord asked him to put his offer in writing, and he did so; but the reply of his noble Friend was that it was not compatible with the duty of the Government to pay the expense of agents. He said he would pay the expense, and the end of the whole thing was—“There is plenty of cotton in India, if you will send out agents and money to improve the cultivation.” His reply was, that he knew that as well as the noble Lord who made the statement, and therefore he might state to his hon. Friend the Member for Dumbarton, that he was afraid there was a good deal of ignorance prevailing as to the quantity of cotton in India. There



were those who considered that the present condition of Lancashire was owing more to over-production than to the lamentable war in America. The production of cotton goods in 1860 and 1861 no doubt was great. It amounted on the whole to £80,000,000, of which £40,000,000 worth was exported; but that was not more than the large consumption of those two prosperous years 1858 and 1859 justified. Still, at the outbreak of the American war there was no great glut of goods either in the home or in the foreign market, although it was evident that for a time the supply had overtaken the demand. He was therefore willing to admit that there would have been a fall in the price of cotton goods if there had been no war in America, and that the exporter and producer would have suffered to some extent. But the large profits of previous years would have enabled them to bear the loss with comparative ease. The existing depression in the cotton trade arose from causes very different to those which had produced a similar state of things in former years. Previous crises were the natural checks to the successful trade of former years. Then low prices were a consequence of the depression; those low prices opened new markets, and the end was an enlarged field of consumption and an increased rate of production. Unbroken prosperity ought not to be expected in the cotton trade more than in any other trade. It had its bright and dark periods, but the more markets were extended, and the more the wages of labour, especially in India, the less liable would the trade be to fluctuation. The present depression was unlike those of former years, because it was produced by a deficient supply of the raw material, while there was a high price for cotton and large stores in hand, especially in India and China. These large stores existed, not because the consumers in India and China did not require the goods, but because the price demanded was above what they could afford to pay. In 1858 the quantity of cotton goods exported to these countries averaged 4 yards per head; in 1859, 5 yards; in 1860, 4 yards; in 1861, 4 yards; and in 1862, 2½ yards per head. These figures were conclusive that the stocks on hand were not the result of over-supply, but of diminished demand, caused by the high prices at which they were held by the importers. There prevailed, too, an impression in some quarters that the cotton manufacture in England reached in 1860 its highest point of prosperity, and that

*Mr. Pender*

now we were to witness its decay. Never was there a more baseless assumption. Those who held such views could have little faith in the progress of civilization. We had never yet supplied one-sixth part of the cotton manufactures the world wanted and would consume if their means enabled them; and there had never yet been produced a tithe of the raw cotton that could be raised. It was no extreme view to take that at no distant period India, where the almost universal dress of the people was cotton, should, as the people became better employed and better paid, consume as much cotton manufacture as the whole world now consumed. The resources of India were boundless. Railways, highways, improved navigation, irrigation, improved land tenure, would, when the present crisis had passed, create a demand for cotton goods that it was impossible to estimate. We were passing through a great change as to cotton, he admitted; but it was not a change to be looked upon with gloomy apprehensions. It was not a change leading to decay, but leading to new and wider fields of supply of the raw material, to new markets and greater demand for our manufactures, to better employment in the cotton districts than ever, for free-labour cotton, so long suppressed by the want of encouragement in India, but which now was likely to supplant the cotton grown by slavery. This was India's opportunity, and the epoch cast a grave responsibility on her rulers. Having in view the universality of the want for cotton manufactures, he was satisfied the want would be supplied. A demand so universal never yet failed to produce a supply, and it would not fail now.

MR. VANSITTART said, he rose to order. He wished to ask if it was in accordance with the usage and rules of the House that an hon. Member should read the whole of his speech?

Mn. PENDER: I am quoting from figures, and it is necessary I should refer to them. Do not let me be told that without American cotton our manufactures must cease, I undertake to say, that with a sufficient supply of Indian cotton, even as it is, at 6d. per pound (and that price would well pay the grower and the importer), not a mill in the cotton districts would stand idle, not an operative be unemployed. Decay of our cotton manufacture! I look upon this as a period above all others pregnant with its growth. Great Britain and all Europe consumed in 1860

about four million bales—4,080,000 of cotton in round numbers—costing forty millions sterling. This is a prize worth competing for, and already the competition is becoming active. In Turkey in Europe, in Egypt, in Asia, in South America, and in Australia, premiums are being given, taxes remitted, and bonuses bestowed, to encourage the growth of cotton. Even the Portuguese, proverbially slow, are bestirring themselves in the remnant that remains of their once great Indian possessions. Letters which I have received from an Indian correspondent say—

“Bombay, December 26th.—The Goa Government is bidding high for the export trade of the Southern Mahratta country, and has made a splendid road up to our frontier, leaving only some three miles to be made by our Government to connect Goa with Dharwar. This Sir Bartle Frere has pledged himself shall be made. The Portuguese have taken off all export duties, and made Goa almost a free port. I called on the Governor, and he offered land for presses, and every encouragement to settle.”

“A very fine specimen of the Southern planter has got 25,000 acres for the cultivation of cotton, coffee, and tobacco, and is confident of success.”

“Pauzein, Goa, March 6th, 1863.—I have to-day had an interview with the Governor of Goa, and he expresses his great anxiety to induce Europeans to settle on plantations, and says he will do his utmost to assist them in every way.

“The liberal terms on which he has already granted land proves this is not mere talk, but that the Government really wish to open up the country—a sure indication that the Goanese are waking up from their lethargy.

“The terms on which the Goa Government have granted land are as follows:—The land is to be given for the first five years rent free; after which one rupee per acre on all cultivated land for fifty years, at the expiry of which, if the planters have carried out the conditions of the lease, a renewal to be made for another term of fifty years.”

This is a somewhat marked contradiction to the despatch from the right hon. Baronet at the head of the Indian Board (Sir Charles Wood), read by the hon. Member for Rochdale (Mr. Cobden). Sir, I do not quarrel with the refusal, but with the tone of the letter, which is sure to be understood on the spot by the collectors that they are not to trouble themselves about cotton, and by the ryots to mean that the less they have to do with cotton-growing the better; and it will be felt here as a discouragement to European settlement in India, and European efforts to produce better cotton in India.

SIR CHARLES WOOD: The hon. Member for Rochdale is not correct in his representation of the practice in this House, because it has always been univer-

sally the rule, that when a personal attack is made on a Minister, and his conduct is impugned, he should be allowed to hear all the charges against him before being called on to reply to them. That was the course I pursued on a recent occasion, with the general concurrence of the House, and the noble Lord the Member for King's Lynn said that I was perfectly right in not rising till the attack was exhausted. Certainly, on the present occasion, when the hon. Member for Rochdale considers me deserving of being impeached, and that nothing but the want of an active opposition saves me from it, I hope that I am not less entitled to the usual courtesy of the House. With respect to the subject itself, I fully admit its great importance, and I concur in the opinion that it is to India we must look for any large increase in the supply of cotton, if there should be a failure of supply from the United States. I do not, however, mean to say that a supply of cotton may not come from other parts of the world besides, and the hon. Gentleman who introduced the Motion referred to several countries from which an increased supply might be expected; but unless I entirely failed in catching the figures correctly, I must say that the hon. Gentleman was entirely mistaken in the amount of cotton imported from Egypt and other ports on the Mediterranean, and that he placed it at an amount very much indeed above the fact. He stated the amount imported from Egypt in the first three months of the year at a figure so high that I thought I must have misunderstood him. [MR. CAIRD: Upwards of 2,000,000 cwt.] I had understood the hon. Gentleman to say so, but this amount is so totally wrong, that I was unwilling to quote the words, lest I should have mistaken the hon. Gentleman. He has now, however, repeated the statement. That amount must be reduced very largely, for, according to the trade and navigation papers on the table of the House, the real quantities of cotton imported from Egypt were 233,000 cwt. in the first three months, and 381,000 cwt. in the first five months of the year. The hon. Gentleman went on to charge me with having always discouraged the notion of a large importation of cotton from India. That is the oddest accusation that I ever heard; for I have always been afraid that I stated too strongly my expectations of what the supply of cotton from India might be. At the same time, I have always expressed

the opinion that that supply could not come at once, but must be gradual. To divert land from the production of one description of crop to the production of another must be a gradual process. Machinery may be multiplied in a short time, and the produce of it rapidly increased; but I repeat that land can not be suddenly diverted to the production of a new description of crop, especially in India, where the main crop is bread stuff, or grain of some kind for the food of the people. Therefore, though I have held out expectations that there would be a large increase in the supply of cotton from India, I have always guarded myself by saying that that increase must necessarily be gradual. I believe that the supply will come now, because now, for the first time, there has arisen that which is the indispensable stimulus for the production in India—that is, the prospect of a fair, reasonable, and certain price. That is the condition which will produce a supply of cotton, and I do not think that anything else is necessary. I have the greatest confidence in those principles of commercial policy and political economy which the hon. Member for Manchester seemed rather to disparage in his speech to-night. My conviction is, that an adequate demand, evidenced by a rise in price, will produce an adequate supply. I have held those principles throughout all my political life with the greatest confidence, and on former occasions they were warmly advocated by gentlemen who belong to what is called the Manchester school, and who declared that the best and kindest thing that could be done for trade and manufactures was to leave them alone, and that bounties and protection were not only hurtful to the community at large, but to the very trade itself which was protected. But it is said by the hon. Member for Rochdale that India is an exceptional case, that we are a despotic Government and a great landlord, and as such are bound to teach the people how to cultivate their land. I do not believe they need teaching at all. They know very well how to grow any crops for which they are satisfactorily remunerated. The hon. Gentleman next told us what a miserable set of creatures the ryots are. Such, however, is not the account given of them by the hon. Gentleman who moved the Amendment, and my hon. Friend opposite very truly stated that such was not a true picture of their condition. Some remarkable letters have lately appeared in a Bombay

paper, written by Mr. Smith, a stockbroker in Liverpool, who, after going through the Southern States of America last year, visited the Bombay Presidency, for the purpose of ascertaining what were the prospects of cotton cultivation there. On one point I do not quite agree with him, for I think he underrates the probable production of cotton in India. I entertain much more sanguine expectations than he does on that score, and in point of fact the exportations from India during the first five months of this year far surpass Mr. Smith's calculations. Mr. Smith says—

"The position of the ryot in the cotton districts is excellent, as far as the occupancy of the land is concerned. When their payment to the Government is £5, the value of their property is often £50, and their position is rather that of a small proprietor than that of a tenant farmer."

Now, that is the account not of any Government official, not of any prejudiced person, but of an impartial and independent gentleman travelling through the country with the view of ascertaining the progress of the production of cotton. This single statement made by such a witness on the spot completely contradicts the allegation of the hon. Member that the ryot is a miserable, half-starved creature, who does not know how to turn his land to account and who requires Government tuition. I think the observations of my hon. Friend opposite, as to the utter absence of practical proposals on the part of those who support the Motion, are perfectly well founded. The Government are called upon to do something, but neither in the speech of the hon. Gentleman who introduced the subject, nor in the course of the debate, have I heard a single suggestion of a practical character as to what the Government ought to do. As far as I am concerned, the Government of India are perfectly ready to go to any extent within the bounds, as is expressed in the terms of the Amendment, of their legitimate functions; but I should like to know more precisely what is expected from us. I never recollect a Committee being moved for without some explanation being given by the mover of what he desired to see done, but to-night not a syllable to that effect has fallen from any of the Gentlemen who have taken part in the debate. At this period of the Session, it is too late to have an inquiry; but that is not the great objection to the Motion, so much as the absence of any practical suggestions by the hon. Member and those

who support him. I am ready to admit that there is one imperative duty which the Government of India have to discharge, and that is to improve the communications of the country. I have never denied that. On the contrary, I have done my utmost to promote that object. I had prepared various statements to show what we have done, but I am much obliged to the hon. Gentleman for relieving me of all trouble on that point by his admission that the communications of India are as good as those of the United States, and that the only disadvantage of India is that it is a greater distance from this country than America.

MR. CAIRD explained that he said only that the communications of India might be made as good as those of the American States, and that the cotton-growing districts of India were not at a greater distance from the ports of shipment than those of America.

SIR CHARLES WOOD resumed:—The words of the hon. Gentleman were that the communications in India would soon be completed. Some Members have spoken as if the growth of cotton in India were still a mere experiment and required encouragement from the Government. Why, cotton is the natural production of the country. It was from India that America obtained it, and for years and years past cotton has been grown largely there, not only for home consumption, but for exportation to China and Europe. It is, however, not many years ago since the East India Company introduced what was then a novelty—the cultivation of American cotton in India. They established model farms, they distributed American seed among the ryots, and encouraged them to plant it. These experiments established beyond all dispute the fact that there are many parts of India in which American cotton can be successfully grown, and that the ryots were perfectly able to grow it. The East India Company managed that matter in a much better way than by remitting taxes for a time, for they gave a certain price for all cotton delivered at an appointed station and of good samples. The price of American cotton at that time was such that British merchants did not think it worth while to pay what was asked for Indian cotton, and the consequence was that the cultivation fell off. The Government proved the capacity of India to supply American cotton, but it was

not their business to grow cotton on a large scale for this country. That can be done only by the native cultivators on land paying the ordinary rent, and under the usual conditions of private enterprise. There is not the slightest need of prizes in order to induce the ryot to cultivate good cotton; but it is a mistake to suppose, that although I thought them unnecessary, I prohibited them. They were offered in all the Presidencies, but without any real advantage; and in the Madras Presidency the result was, that a man who had grown thirty acres of very moderately good cotton, and who was the only competitor, got £1,000. I do not think, however, that such a proceeding is at all likely to promote the cultivation, if a rise in price from 100 rupees to 400 rupees per candy failed to do so. Some time back I had the honour of receiving a large deputation in regard to encouraging the growth of Indian cotton, who made these two requests to me:—That there should be an alteration in the mode of levying the duties, and that the communications throughout India should be improved. The first request was complied with at once. I sent instructions to India, and with the concurrence of the merchants of Calcutta the duties were placed on a satisfactory footing. As to improving the communications, I said that it was the duty of the Government to do so, and that we would proceed with them as rapidly as we could; but I said that there was much that was required for improving the quality of the cotton, in regard to picking, cleaning, ginning, and packing the cotton, which could not be done by Government, and must be done by private individuals; and that it was necessary for our common object that they should do their part. I urged this upon them, and said that I was confident that by the time they had accomplished this, in regard to the cotton grown near the sea, or within reach of easy communication, they would find the roads ready for bringing down the cotton from the interior, and I pointed out to them how many cotton-growing districts there were near the coast, on the great rivers. I am sorry to say that I do not find that much, if anything, has been done towards this end. The hon. Member for Birmingham points to Surat cotton as a byword amongst the manufacturers. Now, Surat cotton is grown close to the sea—the cost of conveyance is a trifling consideration at present prices. If Surat cotton is

so bad, it is, I fear, because the system of purchase is such as to give a premium for fraud. There is, as has been said, a price for quantity, but none for quality; but this is the fault, not of the Government, but of the purchasers of cotton, and cotton agents. Through the cotton-growing districts, in the upper part of the Bengal Presidency, a railroad has been carried, in addition to the water communication by the Ganges, and the Bombay and Baroda railroad runs through the northern part of the cotton-growing districts in Bombay. Then we come to Madras. The Madras railroad is completed from coast to coast, running through the main cotton districts of that Presidency. It is some years since the East India Company established a Government farm in Madras, and it is an acknowledged fact that the ryots know perfectly well how to grow cotton. I can state, on the authority of Mr. Brown, who is, generally speaking, an assailant of the Government, and consequently no friendly witness, that in Madras the native cultivators not only have very little to learn, but can grow cotton better than the American planters who came to India. He states his conclusion in the following words:—

“That at the end of the fifth year the planters retired from the field altogether, confessing candidly that they could not compete with Coimbatore farmers in growing equally good and equally cheap American cotton per acre.”

One of the American planters also stated that he found the cultivation in many parts of the Bombay Presidency also quite as good as in the greater part of America. I do not mean to say, of course, that all the cotton in India is grown as well as in America, where capital is freely applied and the business is more remunerative; but I believe that the cultivation is fairly carried on, and in a manner as well adapted to the soil as the ordinary cultivation anywhere else. It is nonsense to talk of these people as unable to cultivate their land at all. Again, in Dharwar, the cultivation of American cotton has been largely extended, and the roads are capable of carrying away any amount that is likely to be produced there. The hon. Member for Stirling has acknowledged that Berar will soon be opened by railways, and that all the best cotton districts are becoming more easily accessible every day. He stated, in a few words, that in a short time India would be on a par with the United States. The hon. Member for Rochdale complains that nothing has been done to make the

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people acquainted with the demand for cotton. Why, as truly stated by the hon. Member for Stirling, two years ago—in February 1861—the Government of India did all that could be expected of them. They sent commissioners round to make known to the collectors and through them to the people that there was a great demand for cotton; they distributed seed; they issued handbooks, containing all the information that could be obtained; and they devoted a considerable sum to the construction of roads. Which of the two hon. Gentlemen are we to believe?

Mr. CAIRD explained, that what he had said was, that the excellent measures proposed by the Indian Government were disallowed by the Minister at home.

SIR CHARLES WOOD: The hon. Gentleman said, that the Indian Government had been most active, and that their Regulations were sound in principle, and did all that could be desired. He then complained that they were checked by my interference. What was my interference? It was, that I thought it no part of the business of the Government to pay commercial travellers who went to buy cotton in India, that I believed prizes to be perfectly useless—but nevertheless I allowed them—and that I objected to give certain portions of land for the purpose of trying experimentally what had been proved many years ago to the satisfaction of every person in India. Such are the grievous measures with which I have discouraged the growth of cotton in India, and for which, according to the hon. Member for Rochdale, I deserve to be impeached. It is quite true, he made two other charges against me, which are easily disposed of. He read a paragraph, which he quoted as from a despatch of mine, and then said it was of such a tenor that it was incredible that I should have written it, that somebody else must have written it, and that I had unwittingly signed the despatch. I quite agree that the thing is incredible, for there is no such passage in the despatch. He then praised very much the mode of selling waste land in Ceylon, and blamed me for not following the example of that colony. The fact is that waste land in Ceylon is sold by auction exactly as I have directed that it shall be sold in India, and in the course of the recent debate on the sale of waste lands I referred to an Indian newspaper which had pointed this out. These two charges, therefore, may be dismissed, and the grounds of im-

peachment are reduced to what I have stated. I am surprised that no suggestions have been made to-night as to what it is that Government should do to promote the cultivation of cotton. Suggestions have been made to me before, but I confess I thought they were perfectly inadmissible. One was that the Government, in some way or other, should turn merchants, and buy cotton, insuring certain prices for a certain period to the ryots. I have no doubt we might have made a remarkably good transaction, as far as profit is concerned, if we had acted upon that recommendation; but is the House prepared to say that the Government ought to embark on such a course? I stated in my place last year, soon after receiving this suggestion, that we were not prepared to buy cotton; that it was no part of the business of the Government to do so; that the purchase of cotton must be left to private enterprise. At the same time, I stated as broadly that to those persons who might be disposed to go to India to buy cotton we were ready to give every aid and assistance which the Government could afford. If there is one thing which has been proved more than another, it is that it is desirable to send English agents into the country to become large purchasers of cotton, not purchasers in detail, because that is impossible, but on a large scale. That is what has been recommended, without exception, by everybody who has inquired into the subject. A gentleman, well acquainted with India himself, came to me—on the part of some gentlemen who professed to be willing and able to purchase to a very large extent, through agents sent out for this purpose—the object of his visit being to ask how far the Government would be willing to assist in this matter. I asked him to have the goodness to put down upon paper what he thought we ought to do. He accordingly wrote down his suggestion. I acquiesced at once, and I hold in my hand the offer that was made through him in consequence. It was as follows:—

“If any number of gentlemen interested in procuring cotton from India are prepared to send agents to purchase cotton there on a large scale, the Government will do their utmost to further such an undertaking. They will give directions to the Government in India to recommend such agents to the local officers in the cotton districts, or to send a person with the agents to such local officers. In either case the various officers will be authoritatively apprised of the interest which the Government take in the operation, and they will be directed to give every assistance to the agents

and to procure for them trustworthy guides and interpreters for the purpose of facilitating their intercourse with the natives.”

It may be said that even this was going a little beyond the proper functions of the Government; but I was so anxious that every facility should be given for the purchase of cotton by authorized agents sent from this country, that I at once offered that this should be done. From that day to this, however, no application has been received from any one, and I do not think that any agents have been sent out. I do not blame the manufacturers for not sending agents, if they are content with the ordinary operations of supply and demand. But when they press for Government interference beyond the ordinary functions of Government, they ought at least to make those exertions, which can only be done by private persons. On the part of the Government, I have only to say, that while I was unwilling to undertake functions which ought to be left to private enterprise, I was ready to afford the facilities I have described. Is it so extraordinary that anything of this kind should be done? Is it not the practice as regards other goods, and indeed as regards cotton elsewhere? Not long ago I read an article in a Review, sensibly written by a gentleman of great knowledge in regard to the purchase of cotton. The writer says—

“In the States of America the cotton planter has been followed to his plantations by the agents of the European spinners, and the stimulant of the price paid for the article, according to its quality, being obtained by the planter, has promoted the growth of the best classes of cotton, and has vastly extended their cultivation.”

Why should not the agents of the European spinners adopt a similar course in India? If they did, I have no doubt but that a like result would be obtained. At all events, if the spinners will not send their agents to India in this way, they have no right to blame the Government for not doing what they ought to do for themselves, more especially after the offer of every facility on our part has been made to them. But another suggestion has been put forward—namely, that we should remit the land tax upon land used for the growth of cotton. It was mentioned apparently with favour by the hon. Member for Birmingham at a meeting there, and I need hardly argue against such a proposal, though it has been advocated to some extent by the hon. Member for Rochdale this evening. Indeed, Mr. Fergusson, whose authority is quoted against me on these matters, in his pam-

phlet recently published, says on this point—

“Of all the suggestions that have been put forward for encouraging the growth of cotton in India, none is so utterly impracticable as that propounded of remitting the land revenue on any land cultivated with cotton.”

Now, that is the opinion of one of the greatest opponents of the Indian Government on this suggestion. Let me tell the gentlemen of Lancashire that there is a great principle involved in this matter. They are not to suppose that the high price of cotton has produced distress in Lancashire alone; it has also produced great distress in India. In Cuddapah, in Guzerat, and other parts of India, the native weavers and spinners having been thrown out of employment. Happily for many of these poor people, other employment has been found for them on the railways and other public works carried on by the Indian Government, and thus they have been saved from severe suffering. But what would be said to me by the natives of India if, in order to increase that export of cotton which is producing destitution among them, I were to take money from the taxes which they pay? It is natural that the gentlemen of Lancashire should be anxious for anything which might relieve the distress of their workpeople, who have borne their sufferings so patiently; but certainly the distress of Lancashire ought not to be alleviated at the expense of the people of India. If any Vote of public money should be thought necessary for the benefit of our factory operatives, it surely ought to be taken out of the taxes paid by this country, and not out of those paid by the people of India, who are themselves suffering from the same calamity. I remember that one of the arguments used in order to induce me to buy cotton on the part of the Indian Government, was that it would be better to supply cotton to the Lancashire operatives than to vote money for relieving their distress. I did not think it necessary to dispute this position, but I observed that in that case it clearly was the Government of this country, and not the Government of India, which ought to undertake this duty. The money for relieving distress in Lancashire would be voted by this House, and the money for the alternative clearly must be drawn from the same source, and I referred them to the Chancellor of the Exchequer. I confess that I certainly have not heard of their applying

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to my right hon. Friend. It was far easier to find fault with the Secretary of State for India. I have heard of a government imposing a charge on the whole community in order to prevent suffering in a part of it, as, for instance, to prevent a scarcity of food; and that they were justified in so doing; but I never heard yet of a proposal to impose a charge upon the whole of a people in order to promote a measure which would aggravate the distress under which a part of it was suffering. There is no difficulty in obtaining cotton in India if people will only go there for it. The Cotton Supply Association despatched their secretary to Dharwar, and I sent Dr. Forbes with him, the Government paying the latter's expenses. The secretary of the association, however, when he got there, would not buy. Dr. Forbes said that the people flocked round him and asked him to do so, but he refused. The secretary mentioned that he was going further up the country, when the people said they would keep their cotton for him until he came back, if he would only buy it from them; but to purchase was not within the scope of his powers. Whatever might be the ultimate object of his being sent to India, I had always understood that the first in point of time was the purchase of cotton in the interior by European agency—and now it seems that the power to do so was withdrawn from him before he reached India. Mr. Stanborough, an English merchant, has stated that he had no difficulty in buying cotton in Berar, that the growers were willing to sell the cotton to him in preference to mortgaging it to the soucars, or native bankers. My belief is, that as regards any interference on the part of the Government, so far from doing good, it is far more likely to do harm. A most complete example of this is afforded by what took place in Dharwar. There the Government introduced the cultivation of American cotton, and it went on for some time under their superintendence. It was found that the ryots could grow it very successfully; and when that fact was established, the Government withdrew its interference, as forming no part of its permanent and proper duty. It appears from the report of the Collector that the moment the pressure of the Government native officials was taken off, the ryots, who had previously felt themselves compelled to grow American cotton, instantly gave it up, saying that it caused them a loss. The

result was that in a single year the cultivation fell from 20,502 acres to 3,357. Nevertheless, the cultivation had taken root, and after a short interval began to increase rapidly by the voluntary action of the ryots. In his report to the present Collector, Dr. Forbes says—

"In 1848-9 a new period commences, which may be called that of free cultivation, the ryots having been left entirely to themselves. From that time forward, with one or two checks, the increase has been steady up to the past season, in which, in the Dharwar Collectorate and Jagheers included within its boundaries, it amounted to 214,310 acres."

I saw, not long ago, Major Wingate, a most able officer, who knows the whole country in the West of India better than anybody I could name, and I asked him to tell me whether there was anything that Government could do to promote the growth of cotton. His answer was—

"The less you meddle the better. The ryots are suspicious; and if you interfere, they will suppose that you have some hidden motive. The cultivation has already extended; and if you let them alone, it will extend very largely."

That is the result of the concurrent testimony from all parts of India, and it is confirmed by the quantity of cotton which has come home. There may, from some other places, be an increase of a few thousand hundredweights more, but the increase in the quantity received from India has been very remarkable. In the first instance, it arose from the sweeping up of all the old cotton that was to be found in the country. The intimation was given by the Government in the spring of 1861, long before a word was said in this House. The crop of 1861 came into the market in 1862, and last year, for the first time, there was a considerable increase in the quantity of land sown. The import of cotton from India amounted in the year 1859 to 1,700,000 cwt.; in 1860 to 1,800,000 cwt.; in 1861 to 3,295,000 cwt.; and in 1862 to 3,500,000 cwt. During the first five months of 1861 the import was 342,000 cwt.; of 1862, 734,000 cwt.; and of 1863, 962,000 cwt., so that the import during the first five months of the year was nearly trebled in three years. I therefore do not think that hon. Gentlemen have much reason to complain of what India has done to increase the supply of cotton. What has been the effect in other respects of this cultivation on the Bombay Presidency? I mentioned last year that the people in that Presidency

were ploughing up grain a foot high to sow cotton. The price of grain in Bombay is now 100 per cent higher than it was a year ago, and there is no doubt that much of that increase is due to the extended cultivation of cotton. There is the evil of the pressure on the people from the increased price of food; but as regards the increased production of cotton, the prospects are promising, though I am afraid that in parts of India, the crop of this year has been much injured by the rains. Do let us apply to cotton and to the people of India those principles of common sense which apply to all the rest of the world, and do not let people imagine that there is something so exceptional in India that cotton can be raised from the ground as it were by the stroke of the magician's wand. The increased production must be gradual. Mr. Smith, whom I have quoted before, says that he believes that the increased quantity of land sown with cotton last year is about 25 per cent; that if anything like the present prices continue, you may look for a similar yearly increase in the cultivation, and that in six years you may get from India about the same quantity that you used to receive from America. I do not like to hold out expectations which may not be realized, more especially with regard to a crop so delicate and uncertain as cotton; but I believe that at even lower prices than the present we may look for a large increase in the supply of cotton from India. I also believe that no stimulant whatever is required by the people of India except that of profit. All that the Government can do is to increase the means of communication, and the Government of India is authorized to spend money with that object to any extent—the only limit being that they shall get good work. Whatever is within the legitimate functions of the Government we are perfectly willing and anxious to do; but it would be wrong for us to step beyond our province, and more especially to adopt any of those measures which have been recommended to-night, and which would impose a charge upon the taxpayers of India to relieve distress in this country. I do not believe that this is a purpose to which the revenues of India ought to be applied. With that exception, I am ready to do all that I can to promote the growth of cotton in India; and I believe that this is due not only to the population of Lancashire, but is essentially for the welfare of India itself.



MR. CRAWFORD said, that he fully concurred in the views expressed by his right hon. Friend the Secretary of State for India, with regard to the promotion of the cultivation of cotton in India. He had been a good deal astonished to hear the proposal to remit the land tax upon the small portions of land on which it was designed to try experiments with regard to the cultivation of cotton. The question of the waste lands had but little to do with that cultivation. Complaint was made that the Government had not stimulated the cultivation of cotton in India; but the question was how they could stimulate its cultivation. He believed that in all those parts of India where cotton could be successfully grown it had been grown for centuries past; and he further believed there was no quarter of the globe where its cultivation was so thoroughly understood as it was by the natives of India where cotton was grown. There were districts in India as highly cultivated as the districts in the neighbourhood of London. Some people were apt to compare India with America as regarded the cultivation of cotton; but America was a wild, literally unsettled country, whereas in India they found a country which had been in cultivation for centuries, and a country where the subdivision of property and the rotation of crops were understood even long before this part of the world knew anything about such things. It was therefore wholly beside the question to institute any comparison between India and America. He thought the Government had rendered all the assistance they could properly give in a matter of the kind. They had bestowed a great deal of attention on the subject. They had incurred heavy liabilities and responsibilities in improving communications. They had listened to every reasonable proposition which had been made to them; and he did not think they were open to the charge which had been brought against them of indifference on the subject. It had been asked why did not Lancashire send agents to India to buy cotton; but, however cute the agents of Manchester might be, he undertook to say they would be beaten out of the market by the natives of India in five minutes. They seemed to think that the natives of India had no mercantile capacity; but that was an entire mistake. Having lived some years among them, he could say he had never seen a body of men who had more intelligence or a more accurate knowledge

of the principles that govern men in mercantile business than the people of India, and no men, on the whole, were more honest or faithful in carrying on their business. At the same time, he thought that European intervention might be of use in the process of packing and preparing cotton for the market of England. He had never participated in the charges made against the Indian Government, and he retained the confidence in their administration he had always felt in connection with this subject.

MR. BRIGHT: I have abstained on several recent occasions when this question has been brought before the House from offering any observations upon it, because I am quite willing to confess that I do not see—what some hon. Members fancy they see—a mode by which in a very short time any great increase in the production of cotton can be made in India. There is no royal road to learning, and there is, I think, no short cut to that which we want to obtain in India. The difficulty of the question is as great as anybody has described it to be—I think greater than anybody has described it—but it does not follow that we shall get out of it, or overcome the difficulty by any legislative or administrative miracle, such as some hon. Members and some persons down in Lancashire seem to imagine to be possible. The right hon. Gentleman relies very much upon true economical principles, and he says—what is now common in all the school books—that a demand will bring a supply. But though it is a very common phrase, it has its qualifications, and there are obstacles which entirely overthrow it. I will undertake to say, that if a number of years ago, which we all remember, the right hon. Gentleman had proposed to do certain things in Ireland by the rule of demand and supply, he could not have done them. He could not, for example, have obtained a high degree of cultivation or an improved quality of grain—say of oats or wheat from a class of cultivators among whom the land had been long divided into quarter of an acre patches, and who had been accustomed to live on “lumper” potatoes. And in the case of India there must be surmounted the neglect, the oppression, and the total violation of all economic law, during the whole period that country has been governed by us, and I dare say to a large extent for a much longer period than that. The question of the tenure of land is one which seems agreed upon by the hon. Member

for Dumbartonshire (Mr. Smollett) and some hon. Members on this side of the House. But every witness examined before the Committee which I obtained in 1847-8 gave the same testimony, and all evidence from that time to this comes to the same point, that unless you can give the cultivators or proprietors a tenure of land which will make their property secure, it is impossible to have that continuous and rapid improvement which under other circumstances we might hope for. So, with regard to the rent, no doubt there has been during late years a considerable reduction in the assessment in many parts of India; and wherever that has taken place I believe the Government have received a larger revenue from the smaller rent than they did before from the higher. The question of public justice, too, is one of very great importance, and under the old East India Company there was, perhaps, no country where there was so much delay and cost in obtaining justice as in India. Then the right hon. Gentleman says a great deal has been done with regard to roads, and my hon. Friend for the City, who is up to his lips in Indian railroads, will of course bear him out. Railroads have, it is true, been constructed in India, at an enormous expense; but the right hon. Gentleman was entirely mistaken when he endeavoured to bring forward the testimony of the hon. Member for Stirling in favour of that which he had accomplished. Railroads have been made, but many of them have not been made with any special reference to commerce, and do not as yet touch those districts where cotton principally grows. The right hon. Gentleman also alluded to the small farmers by whom the land was chiefly cultivated, and said they must grow food for themselves. Now, that this happens is owing, I will not say to his neglect, but to that of his predecessors in office, for there is such an absence of roads—I do not speak of railroads, by which Government officials pass from one part of the country to another, but of ordinary highways—that almost every district must grow its own food, because if, in consequence of any vicissitude, there happened to be a deficiency in any particular locality, it would be nearly impossible to obtain a supply from so short a distance as even twenty, thirty, or fifty miles. It has even been known that the price of food at one point has been five or even ten times as much as it has been at another point perhaps not sixty miles distant. That ab-

sence of common roads makes it necessary that every farmer should grow food enough for his wants, and therefore no farmer can become simply a cultivator or producer of cotton. He will have some cotton, but probably the largest portion of his land is occupied with food for his family. Now, what we want in India really is what I hope we are beginning to have—we want a new life altogether—a revolution of ideas in the Government, and a revolution, too, in their practice. Such a change would, I believe, bring about through the whole country a revolution in the condition and minds of the people, and you will then have far more life and activity than you have ever seen before. But this is not a work that can be accomplished in a single year. It must come after many years of the cultivation of sound principles and better practices; and it was with a view to that that so long ago as fifteen years I asked the House of Commons to make changes with regard to India that probably by this time would, if adopted, have produced good results. But the House of Commons does not like change. Nobody could induce it to pay any attention to this question, and the last person to pay any attention to it was the Chief Secretary of State for India, who was at the time President of the Board of Control. And then, when there comes this great calamity of the failure of the cotton supply, everybody runs to everybody else asking that something should be done, and there is a contest between those who are suffering in Lancashire through their representatives in this House and the Secretary of State for India, as to who is to bear the blame. I maintain now, as I have ever maintained since I first devoted my mind to the study of this question, that the great points to be taken into our consideration are the questions of policy and Government; and that so long as you choose, as you do at present, a Governor General for India, with a few gentlemen controlled by a Secretary of State here, and a Council whom it is possible he may not control, there is no chance whatever that 150,000,000 of people, speaking as many languages and comprising as many nations as is the case in Europe, can be satisfactorily, justly, and wisely ruled. That being my opinion, I have always proposed that Parliament should give to the several presidencies in India the power to govern themselves each within its own limits. But that power should be infinitely

more extensive than it is now ; in fact, quite as extensive as the powers confided to the general Government at Calcutta. If we had at Madras, Bombay, in the Punjab, the North West, or in Bengal, separate and independent governments, I should ask that in each of those presidencies there should be formed a competent Board of Works, whose sole duty should be to examine the country, to determine what public works ought to be made, to make surveys, plans, and estimates, and that the works should be undertaken in some cases by the Government and in others be handed over to capitalists either of India or England. Under that system you would probably have five times, probably ten times as much capital laid out in public works in India as you can possibly have under the present system ; and you would find, moreover, that if these public works were undertaken and executed, the whole country would receive new life, just as you find any district in this country receives new life when it is opened by the best mode of communication—a railroad. It is only thus that the vast territories of the United States have been brought so rapidly under cultivation and have yielded such vast products of corn and cotton as we have seen of late years. The right hon. Gentleman the Secretary for India is enthusiastic on the subject of railways, but he does not seem to me to be able to nurse more than one child at once, or to have more than one idea. He is very great with the hon. Member for the City of London, and the City railway interest, but he does not appear to believe in the least in anything else. I am satisfied that there is much to be done in the way of improving communication in India besides the great lines of communication which are already made ; and a durable road along which carriages can travel conveniently at all times of the year would be an immense gain to that country. Even in that very province of Bengal to which the hon. Gentleman referred, roads were in such a state not long ago, that when the Governor of Bengal was here, and was asked whether he ever travelled through his Presidency, he said “ No ; there are no roads on which to travel.” A few years ago it might be said with truth that there were more good and metalled roads in any one of a dozen or twenty counties in England than there were in the whole of the broad territories of India. That such should be the case is not I think creditable to the Government ; and if the

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country remains in such a condition, it will not be creditable to Parliament. The right hon. Gentleman thought he had been very successful, no doubt, in overthrowing the arguments of the hon. Member for Rochdale. I paid great attention to the speech of the right hon. Gentleman, though I did not understand a good deal of it. But perhaps he will listen to what I am going to say. The right hon. Gentleman objected to a quotation which my hon. Friend the Member for Rochdale made, and he quoted with some approbation from a pamphlet by Mr. Ferguson. Mr. Ferguson, however, says, when dealing with this very point, that so far back as 1858 Lord Canning turned his attention to the tenure of land in India, and that the conclusions which he arrived at were embodied in rules under the date of October 1861, which were liberal and encouraging. Nine months, however, after the publication of those rules, orders were sent out, putting a stop to the sale of waste lands, and Mr. Ferguson says, that while under Lord Canning's rule 100,000 acres were applied, there was not, he believed, under Sir Charles Wood's, an application for a single acre. Notwithstanding what has been said by the hon. Member for the City of London, I think that the subject of the waste lands has a great deal to do with the general question of improvements in India. The temper and manner in which the Secretary of State deals with this subject is also of importance. The right hon. Gentleman says that the extract which my hon. Friend read is not in his despatch, but that is a mere quibble to which he ought not to descend. The passage read by my hon. Friend is contained in the supplemental Rules issued at Calcutta, in August 1862. The right hon. Gentleman must therefore have been aware of it, although it is not in his despatch ; for it is, as I have said, contained in the Rules issued by the Government at Calcutta, and which were, of course, framed in obedience to instructions from home.

SIR CHARLES WOOD said, the words were not in his despatch as stated by the hon. Member for Rochdale, and could not have originated in any way from his despatch, as the Rules in which the words really were, were published in Calcutta five months before the despatch was written.

MR. BRIGHT : But those supplemental Rules have not been cancelled by the right hon. Gentleman, and are, so far as I know, still in operation.

SIR CHARLES WOOD: I have not got the sale of waste lands papers by me. If I had, I could refer to the letter to show the hon. Gentleman how the matter stood. The Bengal Government saw that the Regulations of the Government of India professed to bar private rights, which could, in fact, only be barred by a legislative enactment, and they therefore omitted an apparent promise to bar rights which they could not legally do, observing that such rights could only be barred by law, and that when the law necessary for this object was passed, no Rule would be required. This is the state of facts as regards the Government of Bengal, which seems to me to have been perfectly right; but as regards my despatch having influenced them, I repeat that the Rules were published five months before my despatch was written.

MR. BRIGHT: The right hon. Gentleman will, I presume, admit with regard to the general question of what has been done, first under the waste lands proposition of Lord Canning, and then what has been done under the altered state of things which he has effected, that in the one case there have been a great many applications for land, and in the other there has been none. That is stated in the pamphlet to which the right hon. Gentleman has appealed as an authority. [SIR CHARLES WOOD: It may be so.] The right hon. Gentleman knows that I have not been to him lately with deputations from Lancashire, but I will now take the liberty of stating to the House that the greatest possible dissatisfaction exists with regard to the manner in which this question of cotton supply from India is treated at the Indian Office. I am not going to say that there are not unreasonable expectations as to what can be done. I believe there are, and for that reason I have not during the last two or three years troubled the House with specific propositions, because I do not see any specific proposition that could make any great and immediate change. I am not in the habit of proposing things that the House cannot understand. Notwithstanding this, I am free to state to the right hon. Gentleman what is the state of feeling down in Lancashire, because I think it is necessary that he should know it, and that the House and the Government should know it. There is a general complaint—it may arise from the unfortunate manner of the Secretary

of State for India—that the deputations which come to him on this matter are treated in a manner that is flippant and irritating; and that generally, instead of entering cordially into the consideration of any propositions that are made, his conversation and manner are wholly obstructive. Now, I believe I am stating in mild terms that which is said almost universally by every deputation which has come to the India Office in connection with this question during the last two or three years. It has been carried so far that I know many gentlemen down in the manufacturing districts—some of whom have heretofore not been supposed to call in question that which was done by persons in authority—who have said over and over again that they would no longer go upon any deputation to the Secretary of State for India. It may be, as I have said, his unfortunate manner; but I am telling the House, and I am telling him, that which I know to be the truth with regard to the opinions of merchants, manufacturers, spinners, members of the chamber of commerce, and so forth, who have gone to the India Office to discuss this question. When they have spoken to me, I have said to them, “You cannot probably point out to Sir Charles Wood what he can do to bring you a million bales of cotton.” Well, I believe I have told them the truth, as I am telling the truth to the right hon. Gentleman. But it does not follow that nothing can be done, and it does not follow that when gentlemen who have these vast interests at stake—not merely their own personal interests, but the interests of the population among whom they live, come to a Government department—they should not be received and conversed with in a manner, that when they go away, they will at least be satisfied that they had spoken to a statesman who is anxious to do the best he could for the great interests which they represented. I am speaking to the right hon. Gentleman in a friendly spirit, and though he may think otherwise, I have defended him as long as I could; but I know that there are men in Lancashire, who are worthy to be listened to by any Member of the Government, who have said that they will no longer go to the India Office, because they find that they are not treated with that courtesy which they receive from other Ministers, and that the Secretary of State for India did not seem to comprehend the gravity and importance of the interests

which they were intrusted to lay before him. I have now said what I have to say upon this question. I do not believe the Secretary of State can work miracles. I do not believe that any person can get two or three million bales of cotton immediately. I believe that such dispositions might have been made twenty years ago that you would now have had as much cotton as you want, and much more than you would use if you gave the price you now offer. But there is no escape from the neglect of the past time. The oppression—for there has been much of that—and the carelessness with which you have acted in regard to India cannot be atoned for by expressions of regret or by any sudden act of legislation, I hope the right hon. Gentleman will forgive me for what I have said. I shall be thankful if he will; but if he will not, I shall forgive him, if he will only pay a little more attention to the subject, and treat my friends with a little more courtesy than they say he has treated them when they come to see him.

MR. T. G. BARING said, he had listened with attention to the speech of the hon. Member for Birmingham, and had heard no arguments in support of the Motion of the hon. Member for Stirling, but merely a general support of the expressions of the right hon. Member for Rochdale, who went so far as to say that the conduct of the Secretary of State had been such, that had there been any Opposition, there would have been ground for his impeachment.

MR. COBDEN: I did not mean Tower Hill; I meant to say that his conduct would have been called into question.

MR. T. G. BARING said, he only quoted the words of the right hon. Gentleman, who might put what interpretation on them he pleased. The hon. Member for Birmingham, without using any argument or pointing out that anything had been done which ought not to have been done, or anything left undone which ought to have been done, condescended to repeat reports to the prejudice of the Secretary of State for India, which he was satisfied were without the slightest foundation. He heard the rumour some time ago, and feeling, as he had a right to feel, great personal interest in the reputation of his right hon. Friend the Secretary of State, he addressed himself to the hon. and gallant Member for North Lancashire, who had introduced a deputation of working men.

MR. BRIGHT: I did not refer to the

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working men. I did not know there had been a deputation of working men. I said merchants, manufacturers, and spinners.

MR. T. G. BARING said, the hon. Member indulged in vague charges and aspersions without naming the persons on whose authority they rested, and he was giving as a reason for saying they were without the slightest foundation, that the hon. and gallant Member who accompanied one deputation told him they were perfectly satisfied with the manner in which they were received, and that they were received with that courtesy which he knew his right hon. Friend invariably showed to every deputation. These charges were produced by ordinary gossip, and he wondered that the hon. Member for Birmingham should have condescended to repeat them. The hon. Member for Birmingham had endeavoured to prove that the ordinary laws of demand and supply do not operate in India. To this the fact that in the first four months of this year the export of cotton from Calcutta was nearly double the amount during the whole of last year was a complete answer. The statement was also refuted by other facts. The Russian war created a demand for articles which India could supply, and the result was a rapid increase of their export. The export of jute from India was 350,000 cwt. in 1852, and in 1860 it was 1,000,000 cwt. The value of the export of seeds had increased from £450,000 to £1,785,000; and in the face of these figures it was impossible to say that the ordinary influence of demand upon supply did not apply to India as much as to any other country in the world. The main position in dispute was whether the ordinary principles of demand and supply would produce their usual effects, or whether it was necessary for the Government to interfere in some way or other. The hon. Member for Birmingham, in addressing the House, and more particularly public meetings in the country on these matters, always carried himself seven or eight years backward. He perpetually referred to the Committee of 1848, of which he was Chairman, and ignored all that had been done in the mean time. He perpetually stated that the peasantry of India were sunk in the deepest poverty; that no improvement had taken place in the administration of justice, and that the communications in India were in a lamentable state. Any Gentleman who had read the papers on the subject would know that there was unimpeachable evidence as well from Govern-

ment servants as from gentlemen unconnected with Government, that the peasantry of India—particularly in the cotton districts—were in a constantly-improving state. With regard to communications, he was surprised to hear the hon. Member sneer at the railroads, and assume that the Government had paid too much attention to that particular mode of communication. The draught Report of the Committee of 1848, drawn up by the hon. Member himself, expressed the opinion that “the system under which India can most speedily be supplied with railway communication is that which is most deserving of support,” and that private enterprises for that purpose ought to be dealt with most liberally by the Indian Government. That was precisely what had been done by the Government, and, instead of the railroads being merely for the convenience of Government officials, they were projected through the main producing districts of the country. The hon. Gentleman ignored, too, all that had been done by the Government for the improvement of the administration of justice. He must know that a code of civil procedure had been passed in 1859; that a code of criminal procedure had been passed in 1861; and that a new penal code had been passed, as well as a great measure for the amalgamation of the Sudder and Supreme Courts. More had been done for the improvement of the administration of justice since the direct Government of India had been assumed by the Crown than had been done for years before. The Secretary of State and the Council had done all in their power to increase the export of cotton from India. They had been in constant communication with the Cotton Supply Association—experiments had been continually made, and very recently cotton from Peru had been sent to be tried in India—he hoped with considerable prospect of success. One thing the Secretary of State had constantly refused to do, and that was to tax the people of India in order to encourage the growth of cotton, and he was satisfied from what had taken place that the House and the country would allow that the Government of India had done its duty in this matter. The hon. Member for Birmingham had quoted from a pamphlet in support of the reckless accusations of the hon. Member for Rochdale, but the rule to which he had referred was in reality circulated in India by the local Government before the Secretary of State's despatch

arrived, and it simply referred to the existing state of the law. As to the regulations for the sale of waste lands, the hon. Member for Poole had already raised a debate on that subject—in which, by the way, neither the hon. Member for Birmingham nor the right hon. Member for Rochdale appeared to support him, and there was no necessity, therefore, why he should renew the subject on the present occasion.

Mr. J. B. SMITH said, he had told the right hon. Baronet the Secretary of State on a former occasion what the effect of a *laissez faire* policy with regard to the growth of cotton in India would be. Could the Government account for the fact, that though the price had risen five or six-fold, the supply had not increased? In the year 1860-1 the number of bales imported from India was 986,000; in 1862, it was 1,072,000, and in the present year it was not expected to be larger than it had been last year. The right hon. Baronet (Sir C. Wood), in a speech at Halifax, had mistakenly represented him as having proposed that the Government of India should turn cotton merchants. To correct the misrepresentation, he need only refer to the speech he made in the House last Session, and he then said that with regard to the use of Indian cotton the question was not merely a question of price, but it was also one of quality. The manufacturers of this country would always give the full price for Indian cotton, but the reason it had fetched a low price was that its quality was inferior. If Indian cotton were of the same quality as American, it would fetch the same price. The question, then, was, could India produce as good cotton as America?—and it was answered by experiments tried twenty years ago, which showed that cotton equal to American could be produced only under European superintendence. What the manufacturers thought when the American war broke out was, that the Government would have availed themselves of the large field offered by India to grow cotton, but they had not done so. In corroboration of a remark made by his hon. Friend the Member for Birmingham, he could assert that he had gone on many deputations to the right hon. Baronet the Secretary of State for India, and he had scarcely ever done so that the parties acting on the deputation were not offended. The right hon. Gentleman did not do justice to himself. By the manner in which he received deputations he deprived himself of a great deal of

intelligence which would be very useful to him. The Pasha of Egypt did not act in that manner. He was glad to avail himself of knowledge and experience; and what was the result? The imports of cotton from Egypt in 1861 were 94,000 bales, last year they were 140,000 bales, and this year they would be 250,000 bales. The profits from the growth of cotton in Egypt would amount to more than the produce of all the gold mines in Australia. If the English Government had taken up the question as they ought to have done, thousands of their impoverished countrymen who were now walking about in idleness would be profitably employed. When the American war broke out, what was the course taken by our Government? They sent persons to rummage out the old records of the East India Company, and to write books showing that cotton could not be grown in India. The statement of the right hon. Gentleman, that the ryots would not grow cotton from American seed, was easily explicable. At first the Bombay merchants, in their ignorance, gave higher prices for native-grown cotton, and of course the ryots shaped their operations accordingly; but since that error had been rectified by the prices obtained in the English market there had been no indisposition on the part of the ryots to grow cotton from American seed. On the contrary, the quantity of land under cultivation had gone on growing till it reached 300,000 acres. Indian cotton had a very bad reputation in Lancashire, because out of 1,000,000 bales of Surat Cotton at least 200,000 were complete rubbish. He greatly feared, that whenever cotton could be procured elsewhere, the article imported from India would cease to be taken, and that heavy losses would fall upon all who were engaged in that trade.

MR. HENRY SEYMOUR said, that if he were laying out a programme for investigation before a Committee, he would suggest, in the first instance, that it should be seen whether the right hon. Gentleman the Secretary of State had done his best to sell the waste lands. There was reported to be a large estate in the centre of India suited for the growth of cotton, and only producing £5 a year to the Government; yet, when an English company offered to buy this, and undertake the growth of cotton, they met with a refusal from the Indian Government. Mr. Temple, one of the highest officials in India, reported that along the Godavery, for hundreds

of miles, there was a basin of cotton land admirably suited for the application of British capital. Mr. Temple, however, only received a "wiggling" from the India Office for that information. He should suggest, as the second head, the present tenure of land as a fit subject for inquiry. It was stated, that the Government took 30 to 40 per cent of the gross produce of the soil, and while that was so they must expect to have a pauper tenantry, instead of a tenantry with capital sufficient to develop the resources of the country. The third head which he would suggest for inquiry, was, what were the impediments in the way of English enterprise. They were to be found in a gigantic system of monopolies, and in that obstructiveness which had been mentioned in the circular. They could not go to any of the public companies, except, perhaps, that over which the hon. Member for London presided, without learning that they experienced obstructions everywhere; and if concessions were obtained, it was through the influence of Members of that House. The fourth head was the state of the public works, upon which the Secretary of State was wasting £5,000,000, but nothing could be more disgraceful than the jobbery to which they gave rise. The fifth head of inquiry, was the mode of improving the staple of cotton, which he contended should be done by a system of prizes, as Lord Canning had recommended, and as had proved so successful in the hands of the American Government. He had made definite objections to the policy of the right hon. Gentleman; but his chief objection was to the illiberal spirit which had been infused by that right hon. Gentleman into the Indian officials, a spirit so unlike that which had prevailed under the administration of the noble Lord (Lord Stanley), his predecessor in office.

MR. FERRAND said, he could not help remarking upon the extraordinary change of opinion which had been manifested that night by the Gentlemen connected with the Manchester party. Those Gentlemen had urged upon that House to become a great protection society for the growth of cotton for Lancashire, and the right hon. Gentleman (Sir Charles Wood) was greatly abused because he would not become their principal agent. Now, if he (Mr. Ferrand) had stood up to-night and called upon the right hon. Gentleman to assist the agricultural interest to grow corn, he should undoubtedly have been met by hon. Gentlemen opposite with a great howl. Now, he would

advise hon. Gentlemen to trust to supply and demand for the future. Let them not come down there whining for protection. At all events, if they abandoned their principles, let them like honest men say that they had failed, and that protection to native industry must be applied once more in the case of the cotton trade as well as the agricultural interest. In 1846, when the late Sir Robert Peel came down to propose the repeal of the Corn Laws, hon. Gentlemen opposite hounded him on with every imaginable insult to the agricultural interest, and he (Mr. Ferrand) wished to remind them that he had warned them that they would be the first, when free trade was established, to come again to Parliament, and on bended knees sue for protection to their industry. He therefore felt justified that night in holding them up to the country in their proper position, as deserting their own principles without having the honesty to avow it.

MR. CAIRD said, he was satisfied with the result of the discussion, and would withdraw his Amendment.

Question put, and *agreed to*.

#### THE MHOW COURT MARTIAL.

##### QUESTIONS.

MR. COX was understood to put some questions on this subject to the Under Secretary for War.

MR. BUTT said, he wished to ask the Attorney General or the Under Secretary of State for War, Whether, on the return of Colonel Crawley to this Country, it is intended to prefer the charges against him before a Court Martial, or before the Court of Queen's Bench, or some other of the Common Law tribunals? The Government had determined to bring Colonel Crawley home to be tried on a charge of exceeding his authority. Any military officer who abused his authority in such a manner as to cause the death of a man was amenable to the charge of manslaughter. He (Mr. Butt) would carefully refrain from offering any opinion as to the case, but he believed that a constitutional principle of some importance was involved in it. He held, that the moment Colonel Crawley put his foot upon the soil of this country, he was amenable to the criminal courts. Colonel Crawley was now being brought home to be tried by court martial, but that tribunal had no cognisance of the charge of manslaughter, which must be investigated by a civil court. The cases of Governor Wall

and of Sir Thomas Picton established this principle. Governor Wall, having unjustly subjected a man abroad to a drum-head court martial, and the man having died under the flogging inflicted, was brought to England, and, after being tried at the Old Bailey, was executed for the murder. He thought that a verdict, by a criminal tribunal, on the charge against him, would be more satisfactory than the decision of any court martial.

COLONEL DUNNE said, he could not but complain of the prejudice which such discussions excited against an officer who was yet to be put on his trial. Before Colonel Crawley had been found guilty, he was hunted down in that House and in the newspapers. As to the charge of manslaughter referred to by the hon. and learned Gentleman, every military man knew that Colonel Crawley was not responsible for the confinement of Sergeant-Major Lilley, which took place by the order of the General in command, and from which the Colonel had not even the power to release him without permission. He wished to know on what charge Colonel Crawley was being brought home?

THE MARQUESS OF HARTINGTON said, that the question, whether the charges should be preferred against Colonel Crawley before a court martial or a civil court had been very fully considered both by the Horse Guards and the War Office, and it appeared, that as the charges against him were of a military nature, the proper course was to try him by court martial. He could only follow up the appeal made by the hon. and gallant Gentleman opposite—namely, that these discussions on Colonel Crawley's case should not be continually brought on, because, whether hon. Members wished to prejudice the case or not, such discussions could have but one effect—namely, to prejudice the minds of persons who would, perhaps, have to examine it judicially. With regard to the Question of the hon. Member (Mr. Cox), he had before had occasion to inform the House that the complaint made by Mr. Smales of the imprisonment of his witnesses by Colonel Crawley had been submitted, with all the allegations of Mr. Smales, for the opinion of the Judge Advocate General. ["When?"] These allegations had been submitted at different times, for Mr. Smales had made many at different times. [MR. COMINGHAM: Subsequently to his being cashiered?] Yes, some of them. As to the remainder of the Question, whether the Judge Ad-



vocate General had given any opinion or advice on the subject, he could only repeat what he had stated to the House the other night—that the communications between the Judge Advocate General and the Horse Guards were all of a private and confidential nature, and it was not for the public interest, and was not conducive to the ends of justice that such opinions should, before they were acted upon, be published either by communication to this House or in any other way.

MR. CONINGHAM denied that he had lightly made any attack on Colonel Crawley. He was one of the first to protest against that officer being made the scapegoat when officers of high rank were so deeply compromised. It must be remembered that the trial of Colonel Crawley gave no satisfaction to the deeply injured paymaster of the Inniskilling Dragoons. To cashier an officer simply for writing an insubordinate letter was almost unprecedented, and he could scarcely conceive how a body of English officers could find Captain Smales guilty on the charges preferred against him. His efforts had been directed to obtain a revocation of what he believed to be an unjust sentence. He believed there had been another court martial held upon Corporal Blake, of the Inniskillings, who was sentenced to forty-two days' hard labour, and loss of good-conduct stripes, for permitting a sentry to be outside the room in which Sergeant Major Lilley was confined, instead of inside.

MR. BERNAL OSBORNE said, he rose to order. The matter under consideration was not that of Captain Smales, concerning which the hon. Gentleman had given a notice of a distinct Motion. He protested, in the name of the hon. Gentleman's own client, against his case being prejudiced by such observations.

MR. CONINGHAM: It is the hon. Gentleman is out of order, and I recommend him to confine his attention to the Irish Church, and to be more accurate in his facts the next time he brings it forward.

MR. BERNAL OSBORNE: I rise again to order. The hon. Gentleman has no right to travel out of the question.

MR. SPEAKER said, he wished to know the exact point of order in question.

MR. BERNAL OSBORNE: The hon. Member is introducing the case of Captain Smales to prejudice that of Colonel Crawley.

MR. SPEAKER said, it was difficult to draw the line on a Motion upon going into

Committee of Supply; but if notice of a distinct Motion upon a particular subject had been given, it was not proper to enter upon it when another question had been raised.

SIR GEORGE GREY said, he would appeal to the hon. Member for Brighton whether it would be advisable to continue the discussion.

MR. CONINGHAM said, he wished to say that the treatment of Captain Smales had been such that he was not surprised that the authorities in India and at home were not anxious to have the question reopened. The hon. Member for Liskeard had not always been so well disposed towards the Horse Guards. The tongue of the hon. Member was then untied; but it was strange how silent he was when sitting on the Treasury Bench. He then came down to interrupt independent Members who had grievances to bring forward. He hoped that the noble Lord at the head of the Government would take compassion upon the hon. Gentleman, and give him a place in some of the outskirts of the Administration.

SIR GEORGE GREY said, he would express a hope that the appeal made by the hon. and gallant Member for the Queen's County (Colonel Dunne) would be responded to; and that the House would refrain from further discussion on the subject of Colonel Crawley's case. He trusted that the hon. Gentleman (Mr. Coningham) would, on reflection, regret the observations he had made. Personalities were not creditable to the House.

COLONEL DUNNE explained that he did not allude to the hon. Member for Brighton.

MAJOR GAVIN said, that having been connected with the army of India, he could not remain silent when such charges were made against officers of the army. It was said that Captain Smales had been treated infamously, but no army in the world did its duty better than the army of India, and he felt bound to contradict the injurious assertions of the hon. Member.

#### CASE OF MAJOR FRITH.

ADDRESS MOVED.

MR. WHITESIDE said, he rose to move that an humble Address be presented to Her Majesty, praying that She will be graciously pleased to order that the investigation of the claims of Mr. Warren Hastings Leslie Frith and others against the

late Government of Oude may be ordered to take place in England instead of India. The claim of Major Frith arose out of a claim upon the revenues of Oude, which country having been transferred to the Government of Great Britain the liabilities accompanied the transfer. The claim arose out of a bond given to the grandfather of the present claimant, and the Secretary of State had directed an inquiry to take place at Lucknow, but had subsequently offered to allow the inquiry to take place at Calcutta. As all the documents were in this country, and as it was almost impossible that any living witness could be found in India, there could be no reason why the inquiry should not take place in England.

SIR MINTO FARQUHAR said, he trusted the right hon. Gentleman the Secretary for India would accede to the request now made.

MR. TORRENS also expressed a hope that the right hon. Gentleman would take the point into consideration.

SIR CHARLES WOOD said, he could not assent to the suggestion of the right hon. and learned Member for the University of Dublin. The whole transactions had arisen in India. Colonel Fulton had been treated with the greatest consideration in the matter, and so far as he (Sir C. Wood) was informed, whatever evidence was to be produced could only be had in India. The Law Officers of the Crown had been consulted, and they were of opinion that the inquiry should take place in India.

Main Question put, and *agreed to*.

#### SUPPLY.

SUPPLY *considered* in Committee.

House *resumed*.

Committee report Progress; to sit again on *Monday* next.

#### PARTNERSHIP LAW AMENDMENT (*re-committed*) BILL—[BILL 172.]

##### COMMITTEE.

MR. SCHOLEFIELD moved that the Bill be re-committed.

Bill *considered* in Committee.

(In the Committee.)

MR. CRUM-EWING moved that the Chairman report Progress.

Motion made, and Question put, "That the Chairman do report Progress."

The Committee *divided*:—Ayes 32; Noes 19: Majority 13.

House *resumed*.

Committee report Progress; to sit again on *Monday* next.

#### PRISONS (IRELAND) BILL—[BILL 178.]

##### COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

MR. REDMOND proposed to insert a clause, that grand juries should appoint boards of superintendence of gaols, &c., within the several counties in Ireland, except the county of the city of Dublin.

##### Clause—

(Grand Juries to appoint Boards of Superintendence of Gaols, &c. within the several Counties in Ireland, except the County of the City of Dublin.)—(*Mr. Redmond*,)

—*brought up*, and read 1<sup>o</sup>.

Motion made, and Question put, "That the Clause be read a second time."

The Committee *divided*:—Ayes 8; Noes 31: Majority 23.

House *resumed*.

Bill *reported*, without Amendment; to be read 3<sup>o</sup> on *Monday* next.

#### INDIA STOCK BILL.

On Motion of Sir CHARLES WOOD, Bill to give further facilities to the Holders of India Stock, ordered to be brought in by Sir CHARLES WOOD and Mr. BARNES.

House adjourned at half after One o'clock, till *Monday* next.

#### HOUSE OF LORDS,

*Monday, July 6, 1863.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Colonial Letters Patent\* (No. 189); Militia Ballots Suspension\* (No. 190). *Second Reading*—Passengers Act Amendment (No. 163). *Committee*—Mutiny (East India) Act Repeal\* (No. 163). *Report*—Thames Embankment (South Side)\* (No. 162), *reported specially*; British Columbia Boundaries [H.L.]\* (No. 149); Oaths Relief in Criminal Proceedings (Scotland)\* (No. 72). *Third Reading*—Naval Medical Supplemental Fund Society Winding-up Act, 1861, Amendment\* (No. 184); Jurisdiction of Justices [H.L.]\* (No. 172); District Parochial Churches (Ireland)\* (No. 186); and severally *passed*.

PASSENGERS ACT AMENDMENT BILL.  
(NO. 163) SECOND READING.

THE DUKE OF NEWCASTLE *moved* the second reading of the Bill, the object of which was to amend the Act of 1855. Serious complaints had been made as to the treatment to which emigrants were subjected on shipboard with respect to overcrowding, the nature of the food supplied, and other matters. The Act was introduced to remedy these evils, and in pursuance of the recommendation of the Emigration Commissioners further Amendments were introduced by the present Bill.

Bill read 2<sup>a</sup>, and *committed* to a Committee of the Whole House *To-morrow*.

## SUBSCRIPTION TO FORMULARIES OF FAITH—THE OXFORD PETITION.

## EXPLANATIONS.

THE EARL OF SHAFTESBURY said, he had undertaken, on behalf of the Bishop of Oxford, who was unavoidably absent, to move that the Petition from certain Heads of Colleges, Professors, Fellows, and Tutors of the University of Oxford, for removing the present subscription required for academical degrees, and presented to the House on Friday last by the noble Earl the Foreign Secretary, be printed; but finding from his noble Friend the President of the Council that the Motion would be informal, he should not propose it.

EARL RUSSELL said, the noble Earl opposite (the Earl of Derby) stated the other evening that the Petition which he (Earl Russell) had presented was not signed entirely by Fellows and Tutors, but that among the signatures were to be found those of some Students. That was the case in a few instances; but the Students so signing were members of Christ Church College, and ranked, as the noble Earl would be aware, with Fellows.

THE EARL OF DERBY said, the noble Earl was correct in his statement. He only received the Petition at twenty minutes past four, with a request from the noble Earl (Earl Russell) to let him have it in the House at five o'clock. In his hasty perusal of the document, seeing the word "Student" attached, it did not at the moment occur to him that the parties who signed might be Students of Christ Church.

EARL GRANVILLE said, he desired to correct an error into which a right rev. Prelate, the Bishop of Oxford, had fallen

in the discussion on Friday night. The right rev. Prelate said, that if the requirement of subscription was abolished at the University, the higher degrees of Divinity would be open to persons who did not belong to the Church of England.

THE ARCHBISHOP OF YORK: The right rev. Prelate said—so far as the University was concerned.

EARL GRANVILLE: All persons must be ordained before taking the higher degrees in Divinity. The requirement of subscription by the Bishops was a sufficient safeguard.

THE EARL OF DERBY remarked, that the right rev. Prelate distinctly stated, that as far as the University was concerned, the abolition of these tests would open Divinity professorships to persons who might not be members of the Church of England.

LORD TAUNTON said, the Petitioners distinctly stated that they were anxious that all theological teaching should be confined to members of the Church of England.

## FORTIFICATIONS—DEFENCES OF THE BRISTOL CHANNEL.—QUESTION.

LORD PORTMAN said, that being deeply interested in that part of the county of Somerset which adjoined the Bristol Channel, he wished to put a Question to the Secretary for War. In order to provide some defence on that part of the coast against attacks in case of war the Government had already purchased sites for the erection of fortifications. No steps, however, had been taken to construct those works, and he wished to know what the intentions of the Government were in respect of those sites?

EARL DE GREY AND RIPON said, it was true that the Government had acquired sites for defensive works upon the coast of the Bristol Channel. His predecessor, Sir George Lewis, in framing the Estimates for the present year, had not thought it right to include any sum for the purpose of executing the works upon those sites. All that he could say was, that he was not indifferent to the importance of the matter of the defences of the Bristol Channel, and the subject should receive his careful attention.

House adjourned at a quarter before  
Six o'clock, till To-morrow  
half past Ten o'clock.

## HOUSE OF COMMONS,

*Monday, July 6, 1863.*MINUTES.]—SUPPLY—considered in Committee—*r.p.*PUBLIC BILLS—*Resolution in Committee*—Fortifications and Works*First Reading*—India Stock \* [Bill 212]; Growing Crops Seizure (Ireland) \* [Bill 211].*Second Reading*—Greenwich Hospital (Provision for Widows [Bill 200]; Pilotage Orders Confirmation \* [Bill 206]; Waterworks Clauses \* [Bill 207]; Companies Clauses \* [Bill 209].*Committee*—Removal and Punishment of Prisoners \* [Bill 194]; Public Works and Fisheries Acts Amendment \* [Bill 198]; Duchy of Cornwall Management (1863) (*Lords*) \* [Bill 182]; Alkali Works Regulation (*Lords*) \* [Bill 135], and re-committed.*Report*—Removal and Punishment of Prisoners; \* Public Works and Fisheries Acts Amendment; \* Duchy of Cornwall Management (1863) (*Lords*). \**Considered as amended*—English Church Services in Wales (*Lords*) \* [Bill 190].*Third Reading*—Vaccination (Scotland) \* [Bill 202]; Police and Improvement (Scotland) (Provisional Order) \* [Bill 184]; Stipendiary Magistrates \* [Bill 189]; Prisons (Ireland) \* [Bill 178], and severally passed.LONDON, CHATHAM, AND DOVER RAILWAY (No. 1) BILL [*Lords*].—(*by Order*).

SECOND READING.

Bill read 2<sup>o</sup>, and committed.

MR. ALDERMAN SIDNEY said, he rose to move the following Resolution:—

"That it be an Instruction to the Committee on the London, Chatham, and Dover Railway (No. 1) Bill, that they do admit the Mayor, Aldermen, and Commons of the City of London to be heard upon their Petition with reference to the Railway already authorized in the City of London, and for the insertion of a Clause prohibiting the Railway Company from carrying a Viaduct over Ludgate Hill."

The object of his Motion was to have the question of the proposed viaduct over Ludgate Hill re-considered. Since the Act enabling the London, Chatham, and Dover Railway Company to construct the railway over Ludgate Hill had been passed, the Metropolitan Railway had established the fact that railways might be safely, conveniently, and economically made beneath the surface. Unless some comprehensive system in regard to metropolitan stations were adopted by the Legislature, great inconvenience was likely to be sustained. The London, Chatham, and Dover Company proposed to construct a station in Farringdon Street eighteen or twenty feet above the level of the street, and that railway was to be connected, within an eighth of a mile, with another railway having a station

twenty-five feet below the level of the street. A gradient was therefore required of 1 in 40, which would cause great inconvenience and danger to the public. He could not understand why the railway company should object to a tunnel under Ludgate Hill, which would get rid of all the inconvenience and difficulty. In 1860 the Company, no doubt, obtained leave to make a viaduct over Ludgate Hill; but the question had not then been placed before the public in its true light, and consequently had not been fully considered. The viaduct was opposed by all the great interests in the City. It was opposed not only by the Corporation of London, but by the bankers, merchants, the Commissioners of Sewers, the Corporation of the Dean and Chapter, and the Metropolitan Board of Works. He had letters from Mr. Hemans, engineer, and Mr. Penrose, surveyor, stating that the premises of *The Times* newspaper and Apothecaries' Hall, and the foundations of St. Paul's would not be injured by the tunnel, while a better gradient of 1 in 50 would be obtained. He would admit that the course he was proposing was unusual; but so were the circumstances in which the City was placed. The House injudiciously gave the company, three years ago, the power of making a railway with unsafe gradients, and he asked it to re-consider its former legislation. The Company had been waited upon by several deputations. They had, they said, gone to considerable expense, and that was, he believed, where the shoe pinched. If his Motion were carried and the question referred to a Committee, they would have the power of transferring a portion of such expenditure to the Corporation if they pleased. ["Hear, Hear!"] He would re-echo that cheer, and admit that as the Corporation were the Representatives of the City of London, they ought to pay a portion of the expenses incurred for the sake of obtaining so important an improvement. He did not, however, believe that any expenditure which would not otherwise have been necessary had been incurred in regard to the proposed viaduct. A similar case of interference took place upon a Bill promoted by the London and South Western Railway, when Parliament prohibited the construction of a viaduct which had been already sanctioned, unless the Company consented to meet the wishes of the public on some point. He trusted that the House would agree to the proposed instruction to the Committee, Digitized by Google

MR. MASSEY said, that the Motion of the hon. Alderman was not only unusual, but absolutely unprecedented; and not only unprecedented, but if acceded to, it would establish a precedent little to the credit of Parliament, because it would shake to the foundation public faith in the rights guaranteed by Act of Parliament. The instruction would, if adopted, enable parties who had already been heard in opposition to a Bill to come down again and raise the same issue on another Bill with a view of unsettling the law. The Motion was not brought forward with a view of questioning any clause in the Bill now before the House, but to question an Act which had been in existence three years, under which vast interests had been created, and on the faith of which large sums of money had been invested. He would ask the House to separate the question of the viaduct from the discussion. The Bill now before the House authorized the construction of a small extent of line in another part of the metropolis, and authorized the company to raise money which was to be strictly appropriated to the execution of those works. The hon. Alderman did not question any of the works authorized by the Bill, but wished to repeal the clauses of an Act passed three years ago. He would not enter into the question of the merits or demerits of the proposed viaduct over Ludgate Hill whatever they might be, and even if the viaduct was objectionable, the present was not the proper mode of raising the question. If the question were to be re-opened, it must be by another form. All the parties interested must have notice, and no private individual could raise the issue. As the powers complained of were undoubtedly granted by Parliament, it would be the duty of the Government, if they considered the powers granted by the Bill ought to be withdrawn, to propose that the legislation of the year 1860 on the subject should be re-considered, that some other works should be substituted, and that compensation should be given to the parties for the money they had expended under the former Act. The Motion before the House was so utterly at variance with the practice of the House and with the commonest rules of justice—it was, moreover, so dangerous as tending to unsettle the validity of titles enjoyed under Act of Parliament—that he trusted the House would reject it.

SIR JOHN SHELLEY said, he wished

*Mr. Alderman Sidney*

to correct some of the statements made by the hon. Alderman, which had no doubt been made in error. It was not true that the Commissioners of Sewers were opposed to the viaduct; and as to the Board of Works, they had actually decided by resolution in favour of the measure, and that they would not oppose the construction of the viaduct. Trains were often detained on the bridge in consequence of the narrow approach to the Victoria station. One object of the Bill was to give to the London, Chatham, and Dover Railway power to improve the approaches. The hon. Alderman, however, proposed to stop that work because the corporation of London had changed their minds as to the viaduct across Ludgate Hill.

COLONEL STUART said, he had been a Member of the Committee before which the Bill was brought in 1860, and no Committee could have more carefully performed its duties. The Lord Mayor and several members of the Corporation were examined, and gave evidence in favour of the Bill.

MR. CRAWFORD remarked, that a deputation of persons who were opposed to the viaduct over Ludgate Hill had waited on him to request that he would oppose the scheme, and he informed them that he could not, in common honesty and justice, because they disapproved of the viaduct, vote against a Bill which had nothing whatever to do with that subject. He hoped that the House would stand by its established usages, and not accept so monstrous a proposition as that now before it.

MR. LOCKE said, he did not think that the hon. Alderman merited the obloquy which had been cast upon him, because a very strong feeling had been manifested out of doors, in the press and elsewhere, against what was regarded as the hideous viaduct proposed to be thrown across Ludgate Hill. When the former Bill received the sanction of Parliament, the corporation of the City of London were large proprietors of Metropolitan Railway stock, which the proposed line was to join and would very much benefit. They consequently supported the measure, and the Lord Mayor and only the Lord Mayor gave evidence in its favour. It had, however, been suggested by the Chairman of Committees, that the Government should bring in a Bill by which the expense to be incurred in an alteration of the plan from a viaduct to a tunnel should be provided for, and he thought it worth consideration

whether that could not be done by a clause to be inserted in the present Bill.

MR. TITE said, the suggestion made by the hon. Alderman was not to throw out a distinct clause, but to give an opportunity of considering the question of the viaduct. It was a matter of great regret that the view of St. Paul's should be interfered with.

Motion made, and Question,

"That it be an Instruction to the Committee on the Bill, that they do admit the Mayor, Aldermen, and Commons of the City of London to be heard upon their Petition with reference to the Railway already authorized in the City of London, and for the insertion of a Clause prohibiting the Railway Company from carrying a Viaduct over Ludgate Hill,"—(*Mr. Alderman Sidney*.)

—put, and *negatived*.

*Ordered,*

That Standing Orders 187, 188, and 216, be suspended, in the case of the said Bill, and that the Committee on the Bill have leave to sit and proceed upon Friday next, and that all Petitions praying to be heard against the said Bill be deposited upon or before Thursday next.

HAWKERS' LICENCES.—QUESTION.

MR. FERRAND said, he rose to ask Mr. Chancellor of the Exchequer, Whether poor men or women hawking pots, house sand, green groceries, or other articles of a like description, are required to take out a hawker's licence; if not, and the Exchequer Officers have compelled any persons to do so, whether he will give instructions for the money to be remitted?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that on former occasions he had been charged by the hon. Gentleman, in reference to this matter of hawkers' licences, with having ruined several thousands of poor men. He had, however, made no proposition on the subject, except one which would have an opposite tendency—namely, a proposition to reduce the duty. The state of the law was this, and it had been so for some very considerable time, that licences were required to be taken out for hawking all goods but victuals or articles which were the manufacture of the person selling them. It had been the custom of the Revenue Department in cases which appeared to them to be not in the contemplation of the law, though within its letter, not to enforce the law. Such being the provisions of the law, it was impossible for him to give any general answer on the subject. All he could say was that no

complaint had been made to him of the operation of the law, and should any cases of hardship arise, the best way would be to send an account of them to the Government, who would then consider whether any proposal should be made for an alteration of the law. With respect to green groceries he apprehended that there was no liability to take out a hawker's licence.

MR. FERRAND said, he wished to know whether the right hon. Gentleman expected every individual case of hardship to be laid before him?

THE CHANCELLOR OF THE EXCHEQUER said, that no individual case had been laid before him, and he was therefore without the means of determining upon the expediency of altering the law.

THE BANDA AND KIRWEE PRIZE MONEY.—QUESTION.

SIR STAFFORD NORTHCOTE said, he had given notice of his intention to ask a Question of the Secretary to the Treasury; but as he was happy to see the First Lord of the Treasury in his place, he would put the Question to the noble Lord instead. His Question was, Whether it is true that the opinion of the Law Officers have been taken on the subject of the Banda and Kirwee Prize Money, and that the opinion they have given is in favour of the preferential claim of Sir George Whitlock's force?

VISCOUNT PALMERSTON replied, that it was not usual for a Minister to state to the House the opinion of the Law Officers of the Crown; still he had no hesitation in saying that it was the opinion of those officers that there was no law regulating the division of prize money in the case to which the question of the hon. Baronet related. It was therefore left to the discretion of the Crown to say in what proportions and to whom that distribution should be made. The Government had come to a decision on the respective claimants; and the result would be communicated to the parties interested in a few days.

ALTERATION OF THE CIRCUITS.  
QUESTION.

MR. HADFIELD said, he wished to ask Mr. Attorney General, Whether he will introduce a Bill for alteration of the Circuits before the next Assizes commence, or at what other time?

SIR GEORGE GREY replied, that the intentions of the Government on the sub-

ject were not finally formed. The Lord Chancellor was in communication with the Judges relative to the provisions of a Bill which had been prepared on the subject by the Attorney General. It was, however, impossible that any alteration could come into operation before the next Spring Assizes.

#### AFFAIRS OF GREECE

##### QUESTION.

MR. SEYMOUR FITZGERALD said, he wished to inquire, in reference to the sum of £4,000 a year proposed to be given up to the new King of Greece, Whether it will be surrendered simply by the authority of the Crown, or whether it will be necessary to make a communication on the subject to that House; and, if so, when and in what form will that communication be made?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that in the opinion of the Government it would not be possible for the Crown to make any surrender of public money without the authority of Parliament. According to the practice of the Constitution, he believed that there were no means of compelling the Crown to receive any public money; and there was no doubt of the Crown having exercised the power in former years as to the non-receipt of some of the interest on foreign loans, which other countries had guaranteed to pay. But to make a convention to abandon the right to receive was a totally different thing; and with regard to the surrender of the sum of £4,000 a year, referred to by the hon. Member, it would be requisite for the Government to apply for an Act of Parliament. With respect to the time and form of proceeding, the Government had looked back to the precedent of the Austrian Loan, by which Austria was burdened with a debt to this country during and subsequent to the war which closed in 1815. A convention, dated in 1823, was formed between Great Britain and Austria for the settlement of that loan, and under that Convention Austria engaged to pay a certain sum of money, and Great Britain engaged to forego all claim in excess of that sum. After the Convention was formed, a Bill was brought into Parliament and received the Royal Assent in 1824. The sum of £4,000 a year, referred to by the hon. Gentleman, must, in the first place, be the subject of a diplomatic arrangement; and as it would not be until after such arrangement

*Sir George Grey*

that Her Majesty's Government would be able to apply to Parliament for an Act, he apprehended that it would not be in the power of the Government to submit a Bill on the subject to the notice of Parliament during the present Session.

#### CASE OF THE "MARGARET AND JESSIE."—QUESTION.

MR. SEYMOUR FITZGERALD said, he wished to ask, Whether the Government have received and will lay on the table the Papers connected with the case of the *Margaret and Jessie*?

MR. LAYARD said, in reply, that the Government had received from the Governor of the Bahamas an account which tallied pretty well with the facts stated in the public press with regard to the *Margaret and Jessie*—namely the deposition of the commander of that vessel. At the same time, the Government had heard from Washington, that on a similar account having appeared in the American papers, Mr. Seward immediately wrote to Lord Lyons a note stating, that he had received from the commander of the *Rhode Island*, a vessel of war, an account of the same transaction, and that officer denied having fired into the *Margaret and Jessie* when within British waters. Mr. Seward stated that inquiries would be made, and that if it turned out that the vessel had been fired at in British waters, the most ample redress would be afforded.

#### UNITED STATES—RECOGNITION OF THE SOUTHERN CONFEDERACY.

##### QUESTION.

MR. ROEBUCK: I wish Sir, to ask the noble Lord at the head of the Government, Whether he will grant me some day for the resumption of the debate that has already taken place on the recognition of the Southern States of North America. I would ask him to give me next Thursday. If not Thursday, considering the importance of the debate, I hope Monday will be the latest?

VISCOUNT PALMERSTON: Sir, I can assure my hon. and learned Friend that we have every desire to accommodate him. I must, however, remind the House that this is the 6th of July, and I suppose hon. Members would not like to sit much beyond the end of this month. I have therefore to propose a "give and take" arrangement to the House—that they should allow us to bring in the Bill on

Fortifications to-night, and to take the second reading on Thursday, and then we will give the hon. and learned Gentleman Monday next for the American debate, I hope the House will consent to that arrangement.

MR. ROEBUCK : I hope the noble Lord will allow me to ask one more question, or rather to make a suggestion, and that is, that he should fix the Motion as the first Order of the Day for Monday, and that he will fix it next Thursday ; for the House has seen that the intentions of the Government have been frustrated when they have omitted to fix the Order beforehand. I hope, therefore, that he will do that on Thursday next.

VISCOUNT PALMERSTON : We will concur with my hon. and learned Friend in giving the utmost fixity to the arrangement.

#### AFFAIRS OF POLAND.

##### QUESTION.

MR. WARNER said, he would beg to ask the First Lord of the Treasury, Whether there is any foundation for a statement which has appeared in the newspaper *La France*, to the effect that England is so far committed upon the question of Poland that in the event of war arising out of it between France and Russia she could not remain neutral ; whether there is any ground, so far as this country is concerned, for a suggestion which has been repeatedly put forward in French newspapers, and particularly in the *Constitutionnel*, that the negotiations relating to Poland might terminate in war ; and whether Her Majesty's Government have laid down as a principle in those negotiations that this country will in no case intervene with armed force in the quarrel between the Emperor of Russia and his Polish subjects ?

VISCOUNT PALMERSTON : Sir, I am glad to answer the Question of my hon. Friend by stating that Her Majesty's Government have in this matter pursued that which is the standing policy of England—namely, not to contract prospective engagements with regard to events which cannot be precisely foreseen. We have entered into no engagements with any foreign Power on the subject to which my hon. Friend has alluded. We are therefore perfectly free to act in regard to any event which may occur in the manner which appears to be most expedient and consistent with the interests of this country.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### ROYAL COMMISSION OF 1851.

##### RESOLUTION.

MR. AYRTON rose to move, that in the opinion of this House, the purchase money of land at Kensington should be applied by the Commissioners of the Great Exhibition of 1851 towards discharging the liabilities of the Commission, and that the Commission should be determined, and the property now held by the Commission be vested in Her Majesty's Commissioners of Works, subject to any interests now existing therein and to any charges thereon. The hon. Member said, that although no doubt the subject had lost some of its interest owing to its not having been brought forward on a previous occasion, yet in consequence of the purchase which had been sanctioned by the House, it had become necessary to go further, and to inquire into the nature of that body of Commissioners from whom the land at South Kensington had recently been purchased, and to take into its own hands the whole question in reference both to the land bought and to that remaining in their possession. That Commission was of a very peculiar character. He need scarcely remind the House that the Exhibition of 1851 was carried on by virtue of a Royal Commission issued to His Royal Highness the late Prince Consort and twenty-four other Commissioners. That body was authorized to take whatever measures might be necessary for the purpose of carrying out the Exhibition, to receive subscriptions and to apply them to that end ; but the Commission contained no ulterior provision. On the contrary, it provided, that after the close of the Exhibition, the powers and functions of the Commissioners should cease. Every one would remember that the Exhibition was an immense success—that it resulted in a surplus of £181,000, therefore no sooner had the Exhibition closed than the question arose as to what was to be done with that large sum of money. The Commissioners had issued a notification, that whatever subscriptions they might receive from the public, the subscribers would have no control over them, but that the money would be at the absolute disposal of the Commis-



sioners themselves for purposes strictly in connection with the ends of the Exhibition. The consequence was, that at the close of the Exhibition, the Commissioners found themselves in possession of a fund with which they had no power to deal. They reported that fact to the Crown, with their opinion that no measures could be so strictly in accordance with the ends of the Exhibition as those which might increase the means of industrial education and extend the influence of science and art upon productive industry; soon after a new Commission was issued, giving the Commissioners power to devise a plan for the disposal of the surplus money in accordance with the expectations held out to the public and to carry it into effect. The Commission conferred powers, among others, to buy and sell land. The fund was thus declared to be entirely a public one, derived from public sources, and intended for the benefit of the whole community. Some of the large towns which had subscribed towards it put forward claims to participate in it, and they proposed that institutions for the promotion of science and art should be established in all the chief seats of industry. The Commissioners rejected these applications, on the ground that the contributions were collected on the distinct understanding that those who gave them were to have no further control over the fund. The Commissioners at length came to the conclusion that the only course they could consistently take was to frame some great scheme to be carried out in the metropolis for the promotion of science and art. What that scheme was to be the Commissioners did not exactly state, but they strongly deprecated the frittering away of the money on small detached objects, and recommended that it should be devoted to one grand comprehensive plan. They further suggested that they could do nothing until they were in possession of land for the purpose, and they proposed to acquire a considerable estate in the suburbs as a preliminary measure, and they invoked the aid of the Government. Her Majesty, in consequence, at the opening of the Session of Christmas 1852 said, in Her Gracious Speech from the Throne—

"The advancement of the fine arts and practical science will be readily recognised by you as worthy of the attention of a great and enlightened nation. I have directed that a comprehensive scheme shall be laid before you, having in view the promotion of that object, in carrying out which I invite your co-operation."

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The subject, therefore, now assumed a national aspect, and the House voted £177,500 to enable the Government to join with the Commissioners in purchasing a large extent of land at South Kensington, which was to be the foundation of future action between the Commissioners and the State, to carry into effect Her Majesty's recommendation. Thus assisted, the Commissioners proceeded to acquire the land; but as some of the proprietors refused to sell, and some of the occupiers to quit, and they could not enforce the negotiations by their own authority, they had to come to Parliament for compulsory powers. These were granted, and under these powers the Commissioners obtained possession of about eighty-six acres, at the price of £355,000. With this joint purchase of the land began the partnership between the State and the Commissioners for the advancement of science and art. The partnership was to be further strengthened by the Government being represented at the Board by four officials—the First Lord of the Treasury, the Chancellor of the Exchequer, the Chief Commissioner of Works, and the President of the Board of Trade. That implied that the Government were always to be in a safe minority of one to five. That arrangement endured for two or three years. The land was laid out; about four acres were converted into roads, and a compact estate of eighty acres or upwards remained in the hands of the Commissioners. Some parts were let on building leases, but, on the whole, very little annual profit was derived from the investment. At length, the partnership was found so irksome that the right hon. Gentleman the Member for Bucks, when Chancellor of the Exchequer, announced his intention to dissolve it. It had been proposed that all the great departments of science and art should be gradually concentrated at South Kensington, but none of the great institutions of London could be persuaded to transfer themselves to Kensington. Public opinion pronounced against the plan in the case of the National Gallery; the rich and independent institutions rebelled against the proposition, and the poor and dependent societies entreated the Government that they should on no account be removed to such an inconvenient suburb. The dissolution of the partnership between the State and the Commissioners, though involving great sacrifices, was therefore hailed with delight. When the right hon. Gentleman the Member

for Bucks came down to the House and announced that the National Gallery was to remain where it was, and that the partnership between the Government and the Commissioners had better be dissolved, the announcement was received with great cheering. It might have been expected, that in parting company the State and the Commissioners would have followed the usual course when joint owners of a great estate desire to separate and have partitioned the land equally between them; but no such arrangement was proposed. The State got twelve acres valued at £60,000 and £120,000 in money; the rest of the estate, worth between £300,000 and £400,000, was left in possession of the Commissioners. For interest alone, the State lost about £20,000; it paid for its twelve acres more than they originally cost, but they had acquired no absolute title to the land; they were only allowed to occupy it so long as they should devote it to purposes of science and art; and the moment they diverted it from those purposes their former partners, the Commissioners, would be entitled to take possession of the twelve acres on refunding the £60,000, and they would also be entitled to all the buildings on the land, paying nothing in return. The State, therefore, had paid more than the land cost, and yet was not the owner of it. He thought that that was a most extraordinary relation for the public to be placed in towards a private body of Commissioners. The rest of the land was left in the possession of the Royal Commissioners. What had the Commissioners done since the dissolution of their partnership with the State to further the great ends of science and art? Before that dissolution they had erected an iron shed, and gathered together a number of miscellaneous objects—nothing more. They had not made a single step in advance since, but they had laid down a grand theory. A distinguished statesman used to say that a man with a theory was something intermediate between an animal under the dominion of an instinct, and a rational being. He could not pretend to decide to which category the Commissioners belonged; but they had a grand theory, that science and art were to be advanced by one comprehensive institution. It was somewhat remarkable that in all their Reports, when referring to this compendious institution, they never failed to add, "This plan will be developed according to the aid we receive from the

public." That meant that the Commissioners could not carry out any scheme unless they practically became partners with the Government. One thing they had, undoubtedly, accomplished. With a view, he presumed, to promote science and art, they had provided an ornamental garden for the amusement of the upper classes at Kensington. They had given no fewer than twenty-two acres of their land in order to promote, not the science of horticulture; which could not be carried out at Kensington, but the art of amusing those who delighted in Saturday promenades and exhibitions of fruits and flowers. Not only had they bestowed twenty-two acres upon a private subscription society rent free, but they had spent out of a national fund for the promotion of science and art, £50,000 for an arcade—the only condition being, that after all the expenses of the Horticultural Society, including its garden at Chiswick, were paid, a very limited portion of the surplus income should be given to them by way of recompense. Now, the English taste in gardening had gradually predominated over the whole of Europe, and one might naturally have anticipated that something great would be done at Kensington. Quite the contrary. Under the name of science and art we had got a garden in which there was neither science, nor art, nor nature. People quitted it with the impression that they had been visiting the cemetery at Kensal Green, and great doubts were felt whether a place so revolting to English taste and feeling could be sustained. The Commissioners had entreated the School of Music to come to Kensington, but the school begged to be excused, and as a substitute a band had been added to the other attractions of the Garden, but it had failed to draw the people away from Hyde Park and Kensington Gardens. The Commissioners had performed one other feat in the interest of science and art—they had established a Department of Domestic Economy, which was carried on in the place appropriately called the Brompton Boilers, where lectures were given upon food, teaching fat people how they might get lean, and lean people how they might get fat. But the Commissioners had resolved that the national taste should be further cultivated, if not in gardening, at least in one other respect. They had made arrangements to build one of the finest *cafés* in London, and to set up a great department of eating and drinking in connection with science and art. They

relied upon the attractions of beer, cheap wine, and gin-sling. They intended to enlighten the people in all the science of adulteration, and to promote the art of drinking—it might be in moderation or it might be in excess. The grand central point and *sine quâ non* of the whole scheme was to be this great tavern, from which the visitor should never be able to escape; they might lose sight of other features of the exhibition, but of this never. He had no doubt that the Dilkusian party had already a new Cadogan in view who would draw a splendid income upon the refreshments supplied to rich and poor. What the tavern was to cost they did not exactly know; but twenty-two and a half acres were given for nothing and a grant of £50,000 for a stucco garden, to a society which had the right of excluding from it every one but its own members. That was the mode in which the Commissioners were disposing of a fund derived from the whole kingdom, which was confessedly national and which was to be devoted to national purposes. Then came the transactions connected with the International Exhibition. All the proceedings relating to that Exhibition were pervaded by a spirit of over-reaching and chicanery, so excessive as, he was happy to think, to have ultimately defeated its own object. Instead of being frank and open, they were entirely of a hole-and-corner character. In place of the beautiful creation of the native genius of the country which men saw spring up as if by enchantment in 1851, and which all admired, they had that extraordinary combination of brick galleries, iron and glass domes, with clerestory wooden naves painted after the fashion of an immodest casino, which had been so generally condemned. But, fortunately, the building and all its details had been disposed of, he trusted for ever, by the decisive Vote of the other night. The House had agreed to purchase the site for £120,000, and his Motion accepted that decision. But they had bought the land with a direct responsibility to this Royal Commission, that it should be appropriated to the purposes of science and art. Now, he had some doubt whether a legal question could not be raised, that, by the law of England it was not in the power of the Commissioners to attach conditions to the future use of the land which nobody had a right to enforce. On either side of the House sat Gentlemen who were well acquainted with the law, who could advise

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the Government whether it was a good condition, that this land, which was public property, should not be dealt with for any public purpose except that which the Commissioners prescribed—namely, for science and art. But there was another condition. However much the House, in establishing collections and galleries, might desire to refine the minds of the people, all those collections and galleries must be inextricably associated with the tavern and drinking-house of the Commissioners. Whatever might be the nature or the cost of public buildings erected on the land, the Commissioners stipulated that there must be free access between every building and the national gin palace. The partnership between the Commissioners and the public was again forced upon them by these conditions. And this brought him to the operative part of his Motion. There was but one remedy for that state of things. They had not been able to disentangle themselves from the Commissioners, and they never could do so as long as the Commission existed; and therefore the only way of getting rid of the partnership was by getting rid of the Commission altogether. Without doing that, they could not hope to see the end of those embarrassing and circumventing intrigues which had been witnessed in the present Session. The proceedings of Thursday last, however tumultuous they might be thought, did honour and credit to the House of Commons. For when the House found that there had been circumventing intrigues to mystify and ensnare them, it was high time that hon. Members expressed themselves in terms of such indignant disgust that there might be no attempt to repeat such practices. He claimed the whole of the property in the possession of the Commissioners as essentially national—as property with which the House was entitled to deal in common with the other estates of the realm, as guardians of the public interest. A constitutional question might have been raised whether the Crown had a right to dispose of the fund at all in favour of the Commissioners without the intervention of Parliament. But, while they had that illustrious Prince among them, who took a great interest in the subject—who had devoted his whole life to the study of science and art—who possessed most eminent powers of administration—who associated himself with men eminent in science and art, and had the benefit of their judgment—and while the control had

not yet fallen into the hands of certain honorary associates, and mainly into those of the Dilkusian party, it might not have been worth while to raise such a constitutional question. The late Prince Consort could be trusted when he acted on his own judgment, and he might have accomplished some grand design; but, like all Princes, he was sometimes the victim of the mere parasites and intriguers, from whom it was the great misfortune of Royalty it could not always escape. But the case was now altered. He knew of no circumstance now existing which should withdraw this great national fund from the legitimate control of Parliament. He knew no reason why any persons should dictate to the elected guardians of the public interest how they should act in regard to science and art. He had always gone rather to extreme lengths in vindicating the rights of private property. But where property was in the hands of a mere Commission or corporation, without any local object, without any personal interest, without any ulterior right of ownership, where the property was acquired from the public and dedicated to the public at large, Parliament had a clear right to intervene and legislate for the public interest. ["Hear, hear!"] He was glad to learn that doctrine was admitted on the Treasury bench. The question of expediency then only remained. He ventured to say, that if this property were administered with judgment, as a whole, it would supply all the requirements of science and art for a century to come. The House must not be misled by a very remarkable Return which had been produced in relation to this Motion. When he recollected the circumstances under which this Return had been made—how it had been resisted as an intrusion into the private acts of the Commissioners—it appeared as if it had been prepared to give to the House as little information as possible; and its tendency certainly was to mislead the casual reader. He had desired to know what was the financial condition of the Commission, and the Return stated the total annual income at about £5,900, besides such rents as the Horticultural Society may pay, which he might explain as nothing. The total annual liabilities of the Commission were stated at £8,700. Thus it was made to appear at the first glance that his Motion would only impose a charge on the public to meet a deficit. The true state of affairs would never occur to any one cursorily perusing this

Return. This was the conclusion of a partnership in which the country was entitled to an equal share of the property. They had now agreed to pay £120,000 for some of the land. The Commissioners, who now imposed the condition that the land should be applied to the purposes of science and art, had themselves, of their own authority, let land on building leases. The value of the ground rents was about £162,000. Then there were fifteen acres unbuilt on, valued, according to the Commissioners' own standard, at £225,000. Their assets would amount to £507,000. There was besides the reversion of the twenty-two acres, absolutely at the end of sixty years, which the Horticultural Society now held, and there was also the great tavern, which had cost a great deal of money. These were their assets. Their liabilities were £120,000, borrowed from Greenwich Hospital, and £50,000; an annuity to Messrs. Kelk and Lucas to be redeemed for £17,000. The total liabilities of the Commission therefore were £187,000; their assets being £507,000. He called on them to wipe away all this complication, which had arisen from the terms put on them by those who presumed to be their patrons and protectors in the disposal of this property. They were told that the Treasury were about to create a Department for the purpose of grappling with this question, and that that Department would be responsible to Parliament. He had no objection to vesting in a Government Department the disposal of these funds under Parliamentary supervision, so as to evoke the hearty co-operation of all men in this country conspicuous for their attainments in art and science, and he hoped they might thereby obtain some guarantee that the buildings erected on the ground purchased should themselves be models of art and schools of design for the country at large. As the necessary complement, then, of this work, he called on them to hand over the whole of this property to that Department of the Treasury. They did not set up as arbiters of taste, but these great public affairs should be conducted so as to subserve the purposes of all the high science and real art of the country, and not the mere hole-and-corner interests of second, third, and fourth-rate men. He wished to get rid of the encroachment of the Commission, which was no longer justified now it had lost its great ornament and head, which had really no

thing to do, and which had accomplished nothing during its existence.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the purchase money of the land at Kensington should be applied by 'The Commissioners of the Great Exhibition of 1851,' towards discharging the liabilities of the Commission; and that the Commission should be determined, and the property now held by the Commission be vested in the Crown, subject to any interests now existing therein, and to any charges thereon,"—(*Mr. Ayrton*),

—instead thereof.

MR. LOWE said, he would, in the first place, state what was the exact legal position at this moment of the Commissioners for the Exhibition of 1851. The hon. and learned Gentleman had correctly stated that in 1850 Her Majesty had issued a Commission for the purposes of that Exhibition. In the same year, and therefore before the Exhibition of 1851, Her Majesty issued a charter to the Commission, and in December 1851 she issued a second charter to the Commission, the object being to give them a more extended field of action. These charters were recognised by an Act of Parliament passed in 1854, by which extended powers beyond those contained in the charters were further imparted to them. After the Exhibition accounts of 1851 were wound up, the Commission came into the possession of £187,000, the surplus which remained after defraying the expenses of that Exhibition; and the greater part of that sum, with £177,500 advanced by the Government with the sanction of Parliament, was applied towards the purchase of the Kensington Gore Estate. The Government and the Commissioners were therefore partners in respect of that transaction. That continued till 1859, when this joint ownership of the land was put an end to. The Government took the large piece of land, valued at cost price at £60,000, on which the Kensington Museum now stood, and they received from the Commissioners £120,000, which they raised by a mortgage on the remainder of the land. From that time the partnership between the Government and the Commissioners was dissolved, and the Commissioners assumed the same position as any other corporate body for trust purposes. They held their funds for the purposes of promoting science and art; and they were liable for any malversation or misappropriation of their funds—which

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they had derived partly from a fortunate land speculation, and partly from the success of the Exhibition of 1851—like the trustees of any hospital founded by private charity, to proceedings in Chancery. The Commissioners having repaid the public money which had been advanced, were strictly in the position which he had described. Of course, there were means by which the charter could be revoked. If it were shown that Her Majesty had been deceived, or that false representations had been made when the charter was granted, it could be revoked by a writ of *scire facias*: or, if it could be shown that the Commissioners had abused their powers, it could be remedied by writ of *quo warranto*. Those were the means known to the law by which the charter could be determined; except that there was a provision in the charter itself, by which, on its being certified by three Commissioners that the objects of the charter had been satisfied and accomplished, the charter itself might then come to an end. The proposition of the hon. and learned Member for the Tower Hamlets was, that the House of Commons should by a Resolution—not put an end to the Commission, for that it was not in their power to do, but declare that the Commission ought to be put an end to. The point for the House to decide was whether it was desirable to pick out one from among the vast number of corporations that existed in this country, and declare that this corporation, having no public money, and no other privileges than Her Majesty had been pleased to bestow, and no other duties than were contained in the charter or added to by the Act of Parliament, ought to be put an end to at once. Of course, the House was aware that this corporation was formed of some of the most distinguished persons in the country, and that up to the period of his decease it was presided over by his Royal Highness the Prince Consort. So far, therefore, as regarded the mere personal qualifications of the Commission, it came before them with every claim to respectful consideration, with every claim to have its acts weighed dispassionately, with every claim not to have harsh and disparaging terms applied to those acts, unless they were clearly deserved. Before the hon. and learned Gentleman permitted himself to apply the word "chicanery" to such a body, presided over by such a person, he should at least have informed himself what were the duties of the Commissioners, how they were distinguished from other similar

bodies, and he should have been able to place his finger on some act, established by clear and irrefragable evidence, in respect of which such a term might have been justifiably employed. He should have no difficulty in showing that this was not the case with regard to this Commission, when he reminded the House what the facts really were. The Commissioners of 1851 were not the managers of the Exhibition of 1862; and it was no proof of "chicanery" on the part of the former even if any disreputable or discreditable conduct could be established against the Commissioners of 1862—which no one believed. No act, good or bad, of the Commissioners of 1862 could affect the Commissioners of 1851, as they were distinct bodies. Before the hon. and learned Gentleman came down to the House and dealt in such terms with the honour of men highly respected in the country, he was bound at least to make himself acquainted with such an obvious fact as the one which he had just mentioned. He could not pretend to follow the hon. and learned Gentleman through the disquisition he had given them; but the main offences alleged against the corporation were two—first, that they had built a tavern; that having considered it desirable that an attempt should be made to form gardens for the exhibition of plants and the recreation of the public at South Kensington, and thinking it also right and proper that they should have Exhibitions such as that which took place last year, they had devoted part of their money and a portion of their land to providing refreshment rooms. If it had been shown that the purpose for which these refreshment rooms had been provided had been abused, that anything improper or disreputable had gone on there, there might have been some ground for accusation; but he wanted to know what fault there could have been in providing proper recreation for the public after the fatigue of going through the Exhibition last year. Persons came from a long distance to the Exhibition, many of them had no time to spare, having to return to the country the same day, and he thought it would have been a strong ground of complaint against the managers if no provision had been made for their refreshment; and how their having done so could be made a ground for Parliamentary interference he could not conceive. The other ground of offence in the corporation seemed to be, that their property amounted to more than £300,000 when all encumbrances were

paid off. He believed the Commissioners must plead guilty to that fact—that having started with £180,000, the surplus of the Exhibition of 1851, and having so managed that they had sold land to the Government, on which the South Kensington Museum was built, for £60,000, which was worth £120,000 at the time, and was now worth £150,000; having also sold land to the Government for £120,000 which was worth £260,000 or £270,000; that having provided for the country funds for the promotion of Science and Art to the amount of £200,000—having done all this, they were still in possession of property worth, after all encumbrances were met, about £300,000, over and above a reversionary interest in the Horticultural Gardens, which might, if the Gardens failed, place them in possession of twenty-two acres of valuable land; and if the Gardens succeeded, would yield between £2,000 and £3,000 a year, and a contingent share of the profits. Such was the balance-sheet; and considering what they started with, this was a most astounding and wonderful result. Fortune had favoured them, it was true; but still the Commissioners could truly point to it as an instance of success in ten years unparalleled in the boldest and best-conducted commercial enterprises. This success they have been able to achieve without wrong to any one, without any one act inconsistent with their charter—and this success is now made a reason why Parliament should be asked to interfere by so violent and unheard-of a method as an Act of Parliament to put an end to the corporation that has achieved it. The hon. and learned Gentleman said, that whereas the corporation had power to sell or to let their land on building leases, when they sold land to the Government, they sold it charged with the condition that it should be employed for the promotion of science and art; whereas they had sold or let land to other parties not charged with any such condition. The thing was perfectly explicable. By the charter they had the power to sell the land freed from the trust on which they themselves held it, but in that case the trusts attached to the money they received for the land; or they might sell the land charged with the trusts. The Commissioners exercised this option—where it was deemed more convenient to charge the money they charged the money, and where it was more convenient to charge the land they had charged the land, in accordance with those

Parliamentary powers. It would take him an immense time to follow the hon. and learned Gentleman through the many mistakes and misrepresentations in which, from his very superficial acquaintance with the subject, the hon. and learned Gentleman had become involved, and he did not propose to detain the House at that length. But he would merely say that there were concerned in this matter the Society of Arts, which was really the body that originated and managed the late Exhibition of 1862 by means of trustees, of whose existence the hon. and learned Gentleman seemed ignorant, and the Horticultural Society, with which the Commissioners had entered into a sort of partnership, the effect of which would be to reserve to the public, in that which would become a very crowded part of the metropolis, twenty-two acres of land free from building; the Department of Science and Art, at South Kensington, which had nothing to do with the Exhibition of 1862, the Horticultural Gardens, the tavern as the hon. and learned Member called it, or any one of those transactions, and which was only introduced to prejudice the case because the hon. and learned Member believed it to be an unpopular department; and lastly, there were the Commissioners of 1851 themselves. He had shown the House what the Commissioners had done, and upon what grounds they firmly believed themselves entitled to public confidence. But even if the hon. and learned Gentleman could have established some of the many charges which he had so loosely flung about, surely the House would not consent to so unprecedented a step as the introduction of an Act—which must be the next step if this Resolution were carried—to put an end to this corporation, without the slightest proof of misconduct or malversation on their part, but merely on the allegation that the money in their hands devoted to matters of taste had not been spent in the most judicious manner. This done, the money was to be confiscated for the use of the public. It was no longer to be devoted to purposes of science and art, but was to be carried to general purposes. That was the proposal of the hon. and learned Gentleman, and there was not a word to show that the trust was to remain impressed with the object for which it was created. He doubted whether a Commission comprising such names as Michael Angelo and Raphael would be able to satisfy the criticism of the House in such matters; and this pro-

*Mr. Lowe*

posal was, that as this charitable corporation—charitable, that was, in the sense in which the word was employed in the Court of Chancery—had not satisfied the taste of the hon. Gentleman and his constituents, it should be dissolved, and the large funds which by good judgment and good management it had accumulated, and by which it had been able to secure great advantage to the public, and which it held as a trust for the purposes of science and art, should be diverted altogether from the purposes of science and art, and, in fact, appropriated for the general use of the public.

MR. HENRY SEYMOUR said, the right hon. Gentleman (Mr. Lowe) had asked why the Commission should be dissolved. Now, he would ask why it should be continued? and he did not think that any reason had been offered for its continuance. This money was really public money, for it consisted of the shillings and sixpences of the visitors to the Exhibition of 1851; and the land was land which had been forcibly taken under the powers of an Act conferred by the Legislature. Neither was the corporation strictly a private one. The fact that the land was first obtained by a local Act, the proprietors being obliged to part with it, and that four official trustees still continued to serve in the Commission, brought the whole subject under the public eye, and seemed to give Parliament a certain control. He wanted to know upon what ground the corporation was to continue to be kept up, and for what interest the land was held by the Commissioners; and unless he obtained a satisfactory explanation on these points, he should vote with the hon. and learned Member for the Tower Hamlets. It was useless to disguise the fact, that the Commissioners had not given satisfaction to the public in the appropriation of the property in their hands. The Commissioners had sold portions of the land, or let it out to the Horticultural Society, and he believed that the only ground which they now held was that on which the refreshment rooms stood, so that this, and their reversion to the Horticultural Gardens, constituted their sole remaining interest in the land.

MR. LOWE said, the Commissioners were in possession of land, besides the buildings, to the extent of fifteen acres—four acres in front of the Horticultural Gardens, and the land upon which the annexes stood.

MR. HENRY SEYMOUR: Then they had fifteen acres of good building land, besides some assets. He thought that after fifteen

years had elapsed, and nothing had been done for science and art during all that time, except the formation of the Horticultural Gardens, the right hon. Gentleman was bound to tell the House what this corporation intended to do, and why it should be maintained. Evidently the Commissioners had made a good building speculation, but they had done nothing for science and art.

MR. T. BARING said, that he was a Commissioner, of both the Exhibitions, 1851 and 1862, and was ashamed of no transaction he had been engaged in in either capacity, for he believed that both those Commissions had tended to the public benefit. He was at a loss to understand how the shillings and sixpences given for admission to a sight or show could be called public money, or how it could be argued that by a Vote of this House this money could be abstracted from the recipients to whom it belonged, because the House disapproved of the proceedings of the Commission. He denied that Parliament had a right to touch either the funds in their hands or to annul their charter. It was not the fault of the Commissioners of 1851 if, as his hon. Friend said, they had done nothing for the last fifteen years. They had been ready to apply the land to public purposes—they had refrained from letting it or selling it—and if they had done nothing, the fault lay mainly with the House, who had exhibited a feeling against availing itself of the land for the specific purposes to which only it could be applied. The charges made against the Commissioners had not been substantiated, and he trusted that the House would not interfere with the rights of corporations, or the management of money which had been applied most beneficially and profitably. Perhaps, in the course of time, the question might arise whether this Commission had not so fulfilled its office that it should cease to exist, or its duties might be devolved to other parties; but to say that this should now be done by an arbitrary Resolution of this House was a monstrous proposition, and he trusted that the House would not accede to it.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 165; Noes 42: Majority 123.

Question again proposed, "That Mr. Speaker do now leave the Chair."

## OUR RELATIONS WITH CHINA.

### OBSERVATIONS.

LORD NAAS: Sir, the somewhat unexpected manner in which the discussion on the Motion of my hon. Friend the Member for Northumberland (Mr. Liddell) terminated on a recent occasion, induces me to think I am taking no unusual course in endeavouring again to direct the attention of the House to the important question of China, and to elicit from the Government some explanation on the subject of our relations with that great empire. I am the more encouraged to do so because I believe that of late years those relations have entered upon a totally novel phase. It is evident that the policy which we have adopted since the peace in our dealings with China has been abandoned, and that we are now rapidly entering on an entirely new state of things. It will be needless to do more than remind the House how the empire of China differs from every other country in the habitable world. For ages that empire has been ruled by what is little short of a pure and absolute despotism. But slavery has never existed in any shape within its bounds, and the authority of the Central Government has never been upheld by a large standing army. The public service in China is also of a peculiar kind. For centuries, almost for ages, competitive examination is the principal mode by which admittance to that service is gained. Education and merit are supposed to be the only means by which a man can rise in China. No aristocracy—scarcely anything in the shape of a middle class exists in the country. It is extraordinary, that in an empire so governed there is to be found among the people a smaller amount of patriotism than is to be found among the natives of any other country in the world. Indeed, among the Chinese there is a singular absence of love of country, or pride of race; and little "religious sentiment," or reverence for sacred things, is to be found amongst them. Forcible resistance to authority has always been the only means by which grievances are redressed and wrongs remedied. The right and practice of rebellion appears to have existed as far back as the earliest days of the Chinese Empire. The right of rebellion has always been recognised by their great writers; and it must be owned that the people have been very consistent in reducing the doctrine to practice from time to time. Dr.



Legge, in his remarkable book on Chinese classics, shows clearly the opinions of the great philosophers on this point; and these principles, though enunciated 3,000 years ago, I recommend to the attention of hon. Gentlemen opposite, as they might have well been written by an English Whig of 1688. Dr. Legge says—

"The government which Confucius taught was a despotism, but of a modified character. He allowed no *jus divinum* independent of personal virtue and a benevolent rule. He says—'Heaven, protecting the inferior people, has constituted for them rulers and teachers, who should be able to be assisting to God, extending favour and producing tranquillity throughout all parts of the Empire. The moment the ruler ceases to be a minister of God for good, and does not administer a government that is beneficial to the people, he forfeits the title by which he holds the throne, and perseverance in oppression will surely lead to his overthrow.'"

"Mencius inculcates this principle with a frequency and boldness which are remarkable. It was one of the things about which Confucius did not much like to write—still he held it. It is conspicuous in the last chapters of *The Great Learning*, and its tendency has been to check the violence of oppression, and maintain the self-respect of the people all along the course of Chinese history."

It is a curious thing, that though rebellions have been numerous, no particular dynasty in China has ever been overthrown without several years of armed resistance against its authority. *Coups d'état* are almost unknown in that country. As far back as 1279 the Soung dynasty was overthrown after nineteen years of insurrection. It took sixteen years to overthrow the Mongol dynasty; and the Sing dynasty, which now rules the empire, was not established till after twenty-eight or thirty years of rebellion against that which preceded it. The empire of China is now passing through one of those unfortunate crises; and I do not incorrectly describe the state of the country by saying that civil war rages almost from one end of it to the other. Apart from the Taeping rebellion, which has now existed for thirteen or fourteen years, there are constant disturbances in the districts bordering on the Canton provinces, where the rival factions of the Hakkis and Puntis still maintain their ancient feuds; in the western provinces the armies of the Emperor are vainly endeavouring to make head against disturbances there; until lately they were defending Hang-chow on the Yang-tze-Kiang, which was menaced by a body of rebels entirely distinct from the Taepings; and at Tien-tsin our Consul has, in the

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spring of this year, been severely wounded in repelling an attack on the town by a body of rebels under the general name of the Nien Fei. It was not impossible that that body of rebels might menace even the capital itself. In the far north, near the new treaty port of New Chiang, the foreign residents, as we hear from Mr. Consul Meadows, has lately been in fear of destruction by another distinct body of rebels. Indeed, the whole empire, containing a population of 300,000,000 or 400,000,000, is convulsed from end to end. The movement, however, with which we have more particularly to deal, is the Taeping movement. Without pretending to give anything like a history of it, I will only say that it commenced in 1849 or 1850—that it is one of the most extraordinary movements that have ever taken place in any country—that at first small in its beginning, and commenced by a few insignificant individuals, it soon acquired such importance, and such numbers gathered round the standard of the chief, Hung Su Tauen, that Nankin, the ancient capital of the Empire fell into his hands, and a sort of Government was established there; that the rebels then moved northward until they almost menaced the safety of the capital, and that they then, without apparent cause, retired pretty much in the same way as they advanced, their principal object being plunder. It is, however, necessary for a moment to consider what were the causes of the Taeping movement. I am afraid that any person who has devoted attention to the affairs of China during the last twelve or fourteen years, must form the opinion that the constant interference of England, and her hostility to the Imperial authorities, have contributed greatly to the disorganization of the country. Those who have considered the subject thoroughly, agree in assigning the movement to three causes—British hostility towards the Government, the opium question, and the circumstance that for the last three reigns China has been ruled by princes of weak character and little influence. By a series of acts of hostility which I will not now enter upon, but which has lasted for years, we have weakened the Government and made it contemptible in the eyes of the people. In Mr. Meadows's book is to be found the following curious memorial from a Manchou general, written soon after the outbreak of the rebellion:—

"The troops do not attend to orders, regard retreat on the eve of battle as an old custom, and

the abandonment of places they should hold as an ordinary affair. . . . . The number of robbers and criminal associations in Kwang-tung and Kwang-si is very great, and they assemble without the least hesitation to create disturbances; all which arises from the circumstances of the army at the time the barbarian affairs were being transacted. Formerly they feared the troops as tigers; of late they look on them as sheep."

Again, there is no doubt that our constant attempts to force the opium trade upon the Government of China have had a very serious effect, and have been the ever fruitful source of disquietude and violence. Monsignor Chauveau, a Catholic missionary in Yunnan, relates an instance—one in many—by which opium may be traced as one of the causes of the rebellion in the year 1850 or 1851. Six hundred opium dealers of the province of Kwang-si, travelling from Yunnan to Canton, being short of supplies, forcibly borrowed or took money and provisions from two brothers of the name of Ischang. These men had no alternative but to comply with their demands. When the opium traders left, these two brothers, who were men of influence and position, were arrested, flung into prison, and severely punished by the Mandarins. This act of gross injustice so incensed the people that they joined the insurrection in great numbers. I might quote many examples to show how much we have to answer for in being the cause of the present state of anarchy in the empire, but I should not feel justified in troubling the House at any length upon past events in China. I wish rather to deal with the present aspect of affairs. But the House will recollect what has been the attitude of England towards China during the last twenty-five years. Almost ever since the East India Company's monopoly was done away with, and since the Chinese Government had determined forcibly to resist the introduction of opium, till within the last two years, our attitude has been one of continued and almost incessant hostility. We have had two, I may almost say four, great wars. Our position has always been one of antagonism to the Chinese authorities. I might describe it as one of armed commerce. The noble Lord at the head of the Government repeatedly told the House that we were not at war with China, at the very time that we were burning the suburbs of Canton and bombarding the forts; and at last our relations with that country had got into such an anomalous position, that we were actually at one time, in the south and on the east

coast, supporting the authority of the Chinese Viceroy in Canton, collecting a portion of the Imperial revenue at Shanghai and defending it against the rebels, transmitting I suppose a portion of that revenue to Peking; while in the North we were bombarding the Taku forts, seizing the capital, and burning the Emperor's palace. Now, peace being made, we are bound to find a policy for the new state of things, and that is the question to which I particularly ask the attention of the House. A great rebellion exists in China; two parties are striving for the mastery. I have little sympathy for one or the other; least of all am I an advocate of the Taeping movement. At first considerable sympathy was manifested for it, as there was a belief that their religion was closely allied to Christianity. Further inquiries, however, showed, that though, with the aid of some European books procured in Canton, they might have manufactured a spurious sort of Christianity, yet their religion was a sheer imposture, and the assumption of divine attributes and of direct communications from the Deity, was so disgusting to those Christians who at first had dealings with them, that it is now allowed that no sympathy can be felt for them on religious grounds. Nor have they shown any capacity for creating either a dynasty or a Government. They have been in possession of a large portion of the country for fifteen years, including Nankin and other great cities, but nowhere have they succeeded in establishing anything like an organized form of Government. But this contemptible position which, after all, the Taeping leaders hold, makes the case as against the Imperialists still stronger; for notwithstanding the weakness, the disorganization, and incapacity of the rebels, the Imperial troops have been continually worsted in the field; and with all the military, financial, and political resources of the empire at their command, they have never been able to make head against the Taipings, or to restore peace and order in a single province. Such being the state of affairs as between the rival parties, at the Treaty of Peking a policy of neutrality was laid down and acted on for a considerable time. I am anxious that there should be no mistake as to the declaration made at that time. That treaty was concluded in October 1860, and Sir Frederick Bruce, in making arrangements for the protection of the treaty ports, dis-

tinently laid it down that the British were to be entirely neutral as between the Taepings and the Chinese Government. Earl Russell writes to Mr. Bruce on July 24, 1861, as follows:—

"I have caused the Admiralty to be informed, in reply, that I am of opinion that Vice Admiral Hope's measures should be approved, and I have now to instruct you to endeavour to make arrangements to secure the neutrality of all the treaty ports against the rebels.

"The Government of Peking will, probably, make no difficulty in abstaining from using the treaty ports as bases of operations against the rebels, provided the rebels on their side refrain from attacking those ports; and it may be hoped that the rebels will see that it is not for their interest to run the risk of collisions with foreign nations whose trade is protected by treaties.

"You will understand, however, that Her Majesty's Government do not wish force to be used against the rebels in any case except for the actual protection of the lives and property of British subjects.

"I am, &c.,  
(Signed) "J. RUSSELL."

Again, on August 8, 1861, Earl Russell writes to Mr. Bruce—

"Her Majesty's Government desire to maintain, as they have done hitherto, neutrality between the two contending parties in China. If British subjects are taken prisoners by either party, you should do your utmost to save them from torture or capital punishment; but otherwise you should abstain from all interference in the civil war."

On February 1, 1862, Mr. Bruce writes to Consul Harvey—

"The policy to be observed and the language to be used to the insurgent Chiefs is this:—We have no cause of quarrel with the Taepings arising out of their insurrection against the Imperial Government, nor do we pretend to dictate to the Chinese people who is to rule over them; on the other hand, any Power that claims that Empire is bound by all the obligations of the treaties China has entered into with foreign nations."

The noble Lord in his place in this House was equally explicit in the declaration of his wish for the maintenance of neutrality. On the 12th of March 1861, Earl Russell laid down this principle in the following words:—

"I told Mr. Bruce that Her Majesty's Government entirely approved of his conduct; that we did not wish to interfere between the Imperial Government and the rebels; that we meant to be entirely neutral; but that we would not remain neutral when the towns where the English and foreign merchants were established were attacked by foreign forces. . . . With regard to our policy, the only course we can take is that of perfect neutrality; at the same time not allowing the towns where our merchants are congregated to be destroyed." [3 *Hansard*, clxi. 1861.]

I shall now proceed to show how little by little, step by step, the policy of neutrality has been abandoned, and that we are now

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interfering in every possible way in the internal affairs of China. The first step taken in this direction was at Shanghai, the principal of the treaty ports, where an attempt was made to carry out what was called the thirty-mile radius. Admiral Hope early in 1861 went up the country to the Taepings, entered into communication with the chiefs at Nankin, and succeeded in obtaining from them an assurance that they would respect the port and environs of Shanghai for one year. The Taepings kept their word; but towards the close of 1861, when the term of compact was nearly ended, there were evidences that they intended to advance upon Shanghai, and steps were taken in consequence to defend the town. Instead, however, of defending the settlement itself, which was absolutely necessary for the protection of British property, it was very unfortunately determined to seize and hold all the country for thirty miles round. Military operations began at the end of April 1862, when a force comprised of British and French troops, some drilled Chinese, and Imperial "braves" marched out from Shanghai, and took two large towns in the neighbourhood. They then went across the river, with the intention of seizing the right bank of the Woosung river, and occupying the peninsula, and took two more towns almost immediately. Whilst besieging another town, however, General Staveland, in command of these forces, heard that the Imperialists, who had been left in charge of the towns first taken, had been routed and destroyed, and that the rebels were marching upon Shanghai. It therefore became necessary to withdraw his troops; the towns he had taken were re-occupied by the rebels, and there was an end for the time to the thirty-mile radius. The first operation, therefore, was a failure. Towards the end of the year, however, the British Forces recaptured those towns—and no attempt has been made by the rebels to re-take them. But these operations involved the whole district in very serious troubles and misery. The position of the unfortunate inhabitants was anything but enviable. The rebels, when they took the towns near Shanghai, killed a great number of men. They ordered those that were left to let their hair grow to show they were rebels. When the English took the towns, they handed them over to the Imperialists, who beheaded many of these unfortunate creatures because they had long hair, and ordered the residue to shave. A few days afterwards

the Imperial troops were withdrawn, the rebels came in again, and killed some more of those who had in the interim shaved their heads. The atrocities and carnage that take place in this civil war are horrible to contemplate. On the score of cruelty one side is as bad as the other; there is nothing to choose between them. It is alleged that the rebels have laid waste the country for thirty miles round Shanghai. Great atrocities are, no doubt, committed on both sides, but I deny that the country has been devastated. The despatches speak of the troops as marching through highly-cultivated cornfields, with men at work in them, and there is reason to believe that the atrocities of the Taepings are very much confined to the towns which they seize. The result of these operations is, that though Shanghai is safe, we are responsible for the defence of a large frontier which may be at any time attacked. I will now advert to what has happened at Ningpo, which illustrates, in an instructive manner, how gradually we are being led into interference in Chinese affairs. Ningpo is a very large city, with upwards of a quarter of a million of inhabitants. At the latter end of 1861 it was in the possession of the Imperialists, but was seriously menaced by the rebels. English officers gave the Chinese authorities every advice and assistance by lending them guns, and instructing them how to fortify the city against the enemy, at the same time assuring the mandarins that they would not interfere personally in the struggle. The rebels, however, attacked the city, and drove out the Imperial troops in a few hours; the English gunboats did not interfere, and the rebels took possession of Ningpo, which they held for five months. Matters went on quietly during that occupation. I cannot say that the rebels were successful in attracting a large portion of the inhabitants back to the city, or to restore trade; but it is quite evident that friendly relations existed between the English authorities and the rebels, communications passed and repassed, and our Consul had no reason to complain of any breach of faith on the part of the Taeping chiefs. Almost immediately after the rebels took possession of the city Consul Harvey thought it a favourable moment to arrange the question of what was called the foreign settlement, and this is a good instance how matters of this kind are settled in China. Ningpo was situated at the confluence of two considerable rivers, and a piece of

ground nearly surrounded by the two rivers was much coveted by the Consuls as being admirably adapted for purposes both of trade and defence. Accordingly, they endeavoured to obtain the cession of that piece of ground. The American, French, and English Consuls and the captain of Her Majesty's gunboat *Scout* met one day and passed a resolution that this large piece of ground, almost as big as that upon which the city itself stood, should form the foreign settlement, and be devoted to the purposes of these foreign nations. The whole transaction is thus described by Consul Harvey in a letter to Mr. Bruce—

"Ningpo, January 14, 1862.

"Sir,—I have the honour to inclose herewith, for your Excellency's information and approval, copy of a Minute of a Conference held yesterday, at the United States Consulate at this port, for the purpose of defining the limits within which will in future be comprised the 'Foreign Settlement' at Ningpo.

"Since this port was opened to foreign trade in 1843, no definite 'concession' or 'grant' has ever been obtained from the local authorities, in accordance with treaty stipulations; and as this want had long been felt by the increasing mercantile community here, but more particularly and pressing so since the capture of this city by the insurgents, the present appeared to me a very favourable opportunity for coming to a clear understanding upon the point. The inclosed Minute is a brief declaration and statement of the agreement so determined upon by the three Treaty Consuls in regard to this important clause of our respective treaties.

"I transmit also herein a rough sketch of the site and its boundaries; and I trust the steps taken on this occasion will meet with your Excellency's favourable approval, and that your Excellency will be pleased to obtain for them the sanction and confirmation of His Highness the Prince of Kung."

At that time the city of Ningpo and the country around were in the possession of the Taeping chiefs. They did not make much objection, the Consuls took possession, and some commodious residences were built on the land in question. Things went on in that way for some months, when one day in April, on the firing of a salute in honour of the arrival of one of the Taeping chiefs, some bullets struck the *Ringdove* gunboat. Some idle persons, also, wandering upon the walls, fired a few shots, which went near the boats. These were the only acts complained of by the British authorities, and they were amply apologized for by the Taeping chiefs. Captain Dew, of the *Encounter*, was sent down by Sir James Hope to obtain reparation and apology, and any one who reads the instructions of Sir James Hope will find there was nothing in them which authorized Captain Dew to

make any attack upon the city. However, he demanded that a certain battery should be destroyed. The answer to the remonstrance made by Captain Dew was so satisfactory that on the 27th of April 1862 he wrote to the Taeping chiefs to inform them that he would not insist upon the demolition of the battery, but only that the guns opposite the settlement and ships should be removed. The battery to which he referred was in a peculiar position. It was erected at the confluence of the two rivers, in order to defend the town from any attack that might be made by the Imperial forces. What Captain Dew therefore required was an ample apology, the removal of the guns from the battery opposite the settlement and ships, and that means should be taken to prevent anybody going on the walls opposite to the ships. With reference to the first point Captain Dew said he was perfectly satisfied; and with respect to the two other points General Hwang wrote to say, that though the guns were for the protection of the fort, yet, under the peculiar circumstances, and to manifest the desire of the Taepings for a lasting amity, the port-holes for the guns bearing on the settlement should be stopped up, and no one should be allowed to go upon the walls except the workmen who might be required to make repairs. In fact, everything demanded by Captain Dew was granted, the port-holes were bricked up, and the letter concluded in this way—"We are desirous of remaining on good terms with you, and this is our reason for this distinct statement." After the receipt of that letter Captain Dew paid a visit to a large Imperial force, which was being collected for the purpose of taking Ningpo, and was rather curiously constituted. The Imperial Government, having but a small naval force at their command, made a convention with a notorious pirate of the name of Apak for the employment in the Imperial service of himself and eighty junks, which for a number of years had been engaged in piracy. Well, a few days before the attack on Ningpo was made Captain Dew went down the river and communicated with the Imperial Chiefs and their piratical ally. There was every reason to believe that Captain Dew was cognizant of what they were going to do, and the siege of Ningpo had his perfect approval; but it appeared rather a curious thing that a British captain should enter into communication with one whom, in the pursuit

of his well-known calling if he caught outside the bar at Shanghai, he would have felt bound to hang. This allied band of Imperialists and pirates advanced to the attack of Ningpo on the 10th May. Captain Dew and several gunboats were then in the river, moored in a line opposite the town, in such a manner that they were exactly in the line of fire of an attacking force. Shortly before the attack he wrote to the Taeping chiefs thus—

"We now inform you that we maintain a perfect neutrality; but if you fire the guns or muskets from the battery or walls opposite the settlement on the advancing Imperialists, thereby endangering the lives of our men and people in the foreign settlement, we shall then feel it our duty to return the fire and bombard the city."

So that having received an ample apology, Captain Dew gave up the three points, and then told the Taepings, that if they defended themselves, he would join in the attack and bombard the town! The junks having advanced between the gunboats and the town, some shots were fired, whether from a Taeping battery or an Imperial junk is very doubtful; and then, without further provocation, at ten o'clock Captain Dew opened fire, the Imperialist fleet taking but little part in the attack. Captain Dew bombarded the town till two o'clock, then went to dinner; at three o'clock he landed his men, drove out the rebels, and in the evening handed over the city of Nankin as a present to the Imperial Toutae and his piratical allies. That story showed how British officers conduct affairs in China. There were friendly communications and professions of neutrality up to the last moment; and when the rebels, who had given them no provocation, attempted to defend themselves, their town was bombarded for four hours, after which they were driven out, and the city handed over to the Imperialists. But the policy of pretended neutrality and real interference culminated in an attack which was made by Captain Dew and the French contingent upon the town of Shou-hing in February of this year. After the taking of Ningpo Captain Dew remained in the city for some time, and a certain portion of Ward's force and the French contingent were occupied in garrisoning the place. No attempt was made to establish the thirty miles radius in this place. But in February last Captain Dew and a large number of boats accompanied a force of about 500 men to the attack of a walled town situated 110 miles from Ningpo.

He took with him some howitzers lent by General Stavely, and he was accompanied by Lieutenant Tinling, an officer of the *Encounter*. The force was called the French contingent, and was a very curious one. It was commanded by a French officer, who was called a General, but I cannot make out whether he was originally a military man; I believe he was a clerk in the French civil service. The first night was spent by the force in plundering an Imperialist village—it must have been Imperialist, because it was only fifteen miles from Ningpo. The next day they advanced up a canal to the attack of Shou-hing. Captain Dew accompanied the expedition, he said, in the character of a spectator, but really to advise the commander. There can be no doubt that he took an active part in the operations. A breach having been made, the French contingent were ordered to the assault, but they were ignominiously driven back, the French commander was killed, and Lieutenant Tinling so badly wounded in the neck that he died the next day. It is impossible for Captain Dew to say that he was not in actual command of this force, for, in a letter in answer to a vote of thanks from some merchants at Ningpo, Captain Dew glorified himself considerably on having performed these exploits with General Stavely's "honoured howitzers," as he calls them. With regard to Lieutenant Tinling, he thought justice had not been done to a gallant officer. It had been over and over again said that he was there only as an amateur, and that he met with his death at a time when he was not within the line of his duty. He was there, however, by the orders of his captain. He had accompanied him in this dangerous expedition; and whilst assisting in working the guns he was shot in the neck. I think that that young officer died as much in the discharge of his duty as if he had been on board of his own ship; and that his friends in this country who deeply deplore his loss have a good right to complain that his death had not been spoken of in a proper manner when the subject was referred to the other night by the Secretary to the Admiralty.

I have now shown how at Shanghai and Ningpo the policy of neutrality has been totally abandoned, and active interference by land and sea has been taken in this wretched civil war. I will now refer to two institutions which have grown up in China, and which are becoming to all intents and purposes thoroughly British. The first

of these is the Foreign Inspectorate of Customs, the other the Anglo-Chinese Contingent. I will take the description of the former from Mr. Lay's own words. That gentleman, who is Imperial Inspector General of Customs, in answer to a communication from Earl Russell, states that the Foreign Inspectorate of Customs was introduced into Shanghai in 1854; that the Chinese authorities were then too weak to levy the duties; and that in consequence the American, the British, and the French Consuls met together at the British Consul's house, and there nominated three persons to collect and take charge of the Imperial customs. This was a curious nomination. Ultimately, the Chinese Government placed the entire control of the customs in Mr. Lay's hands, so that in 1856 that gentleman became the head of the Chinese customs board. The *personnel* of the establishment is somewhat remarkable. The system is established at eight ports. The *personnel* of the establishment is constituted thus—

"*Shanghai*.—Mr. H. Tudor Davies (English), late Chief Magistrate at Hong-Kong, absent on sick leave, whose place is supplied by Mr. G. H. Fitzroy, late Attaché to Lord Elgin.

"*Ningpo*.—M. Giguel (French), late Interpreter Canton Commissioners.

"*Foo-chow*.—M. Meritens (French), late Interpreter to Baron Gros.

"*Amyoy*.—Mr. Ward (American), late Secretary to the United States Legation.

"*Swatow*.—Mr. Wilzer (German), late Mercantile Assistant.

"*Canton*.—Mr. Glover (American), late United States Vice-Consul at Shanghai.

"*Chin-kiang*.—Mr. Leonard (English), late Mercantile Assistant in the firm of Dent and Company.

"*Tien-tsin*.—M. Kleeszkowski (French), Major on half-pay.

"Mr. Hart, who was an Interpreter in the Consular Service, acts during Mr. Lay's absence as Inspector General."

Therefore, at eight ports there are—one English Inspector General, two English, three French, two American, and one German, chief officers. Those gentlemen levy an enormous amount of revenue. The customs duty at Shanghai alone is supposed to amount to £1,000,000 a year. And taking all the eight ports together it is reasonable to suppose that they collect something like £4,000,000 of revenue every year. Those gentlemen, however, practically speaking, are wholly irresponsible to any person or power whatever. It is true that their nomination was sanctioned by the Chinese Government, but they were not certainly appointed originally by

them. In fact, the representatives of Foreign Powers really appointed them, and they continue their services under the direction of Mr. Lay, who still retains his character as a British subject, and has been somewhat recently employed in Her Majesty's service in accompanying Lord Elgin to Peking in the capacity of Secretary of Legation. Now, the important question arises—Whose subjects are these men? Suppose that Mr. Lay or any of his subordinates got into trouble with the Chinese authorities, and was presented with a silver cord, which is the fashionable mode of disposing of high authorities in that country, should we interfere and treat him as a British subject? I apprehend that Sir Frederick Bruce would immediately interfere in his behalf, and claim to protect him as a British subject. The other foreign representatives would doubtless do the same by their own fellow-countrymen. In truth, the system amounts to this, that a great portion of the Imperial revenue is collected and expended by foreigners under the control of an Englishman lately in the diplomatic service of his own country. In addition to the revenue collected at the ports I have named under this system, the mandarins collect a little revenue of their own. Constant complaints are made by merchants that they have to pay, besides the customs duties levied by the foreign inspectors, other charges which are demanded by local Chinese officials, for the payment of foreign contingents and the maintenance of local establishments. Under those circumstances, it is not surprising that there should be constant collisions between the Chinese authorities and the foreign and consular officers. I do not say a word against Mr. Lay. On the contrary, I believe that no more pure or worthy public servant exists. But I believe that he has undertaken duties which were beyond the power of any individual, and that the greatest difficulty will arise from the anomalous position in which he is placed; indeed, these difficulties have already commenced. The *Shanghai Shipping List* of April 2, 1863, contains an account of a fatal collision between the Chinese authorities and the foreign officials, arising out of a system of "squeezing," which was generally practised in China on all occasions and by all classes. The article I refer to mentions that such collisions are almost of daily occurrence. There was a considerable force at Ningpo under Imperial autho-

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rity; the Inspectors of Customs had also a number of armed men under their authority; the French contingent was 1,500, and the Anglo-Chinese Contingent was 1,000 men. So that there were stationed in that single town four different authorities independent of each other, and each having large armed forces at its disposal. The occurrence to which I allude is thus described by a local paper—

"At Ningpo, we learn, that a few days ago a very serious disturbance occurred between some Europeans (custom-house officers) and Chinese officials. It appears that a system of squeezing had long been carried on by the custom-house boatmen; but meeting with a stout resistance, blows were resorted to, and a general *mélée* ensued. The authorities succeeded in capturing the boatmen, and taking them prisoners into the city. The Tide Surveyor, Mr. Newberry, stationed at Chinhaï, immediately on gaining information as to the whereabouts of his Chinese boatmen, mustered all the Europeans that he possibly could, proceeded to the prisons where they were incarcerated, and demanded that his men should be instantly liberated. The mandarin in charge, becoming alarmed at the threatening appearance of so many foreign faces who surrounded him, unlocked the door of the prison, and Mr. Newberry rushed forward, where he found the objects of his search in iron. These he speedily released, but on their return to the entrance he discovered that the door was locked upon him. Threats and the firing of his revolver inside the prison brought the other Europeans to the rescue, who succeeded in knocking down the door, and liberated the boatmen. It is supposed that several other prisoners effected their escape. One young man, a son of a Chinese merchant, was shot, and died shortly afterwards.

"The case has been investigated by the proper authorities, but the result has not yet transpired."  
—(2nd April 1863.)

Lately, however, the forces at the disposal of the foreign inspectorate have received an important augmentation. Mr. Lay and Captain Sherard Osborn, a most distinguished officer, who knows China well, came to this country last autumn to organize an armed European naval force. These gentlemen undertook this mission with the sanction of Sir Frederick Bruce, but he could not discover that they brought with them a single scrap of paper giving them the authority of the Imperial Government for these proceedings. At first Her Majesty's Government proposed to issue licences enabling a certain number of British officers to take service in the new force; but it was felt, on reflection, that that course would be very inconvenient. At the end of August an Order in Council was issued repealing the provisions of the Foreign Enlistment Act, and authorizing Captain Sherard Osborn and Mr. Lay to enlist troops

for the service of the Chinese Empire, and to fit out and arm ships of war. The mode in which the funds for the force were obtained is described in a note in a Chinese newspaper, which, I believe, is authentic. A fleet of armed steamers has been purchased in England, to be placed under the command of Captain Sherard Osborn. The money remitted to England to meet the cost of these vessels has been drawn by the Emperor from his customs revenue under foreign inspection. The total sum so remitted has been 650,000 taels. Of this sum, Canton supplied 250,000 taels, Shanghai 200,000 taels, Amoy 50,000 taels. No more money being ready, the balance of 150,000 taels was raised by loan on the Foo-chow customs revenue; the loan was in the form of scrip receivable in payment of import or export duties a year hence, interest at from 8 to 10 per cent per annum. The scrip was rapidly taken up by foreign merchants; they preferred such a mode of paying their duties, as it would save them trouble and expense. These gentlemen had therefore a considerable sum of money placed at their disposal—I should say about £200,000. Three gunboats were purchased from the English Government, and three other vessels were ordered to be built in private yards in England. The stores, guns, and other equipments were furnished from our arsenals. A code of laws was drawn up for the regulation of the force, a new scale of pay and rations was fixed, pensions and compensation for wounds were settled, a special book of signals was arranged, and last, not least, a new flag, green with yellow stripes, wholly different from either the British or the Imperial flag, was improvised under which these troops were to fight—in the service, not of the Emperor, but of Mr. Lay and the Anglo-Chinese inspectorate. It is rather difficult to ascertain the precise object of the force, as the Government do not seem to have any very defined notions on the subject. Mr. Lay, in his official application for permission to enlist men in England, himself said it was to be employed in re-establishing the Imperial authority on the Yang-tze-Kiang, and commercial security on the inner waters, and in suppressing piracy on the open sea. The latter undertaking might, however, be dismissed from view, as any ship of war might destroy a pirate at sea if she could catch him. Mr. Hammond, writing to the Secretary of the Admiralty to ask the approval of the

First Lord, used a very remarkable phrase. He said that Her Majesty's Government approved of the establishment of a European naval force in order to restore order throughout the Chinese Empire. Now, the House will see that the order to restore order in the empire of China is rather a large order. As the force number only 400 men, while the population of China number about 400,000,000, each man of the expedition was expected to restore order to a million of men. The Secretary to the Admiralty accepted the statement of the Foreign Office, and replied in the same remarkable phrase, that he saw no objection to the scheme. Now, I wish to point out to the House what will, in all probability, be the first exploit of the new force. In any attempt to restore order on the banks of the Yang-tze-Kiang, they must begin with the capture of Nankin. As the House knows, Nankin is a city of enormous size—the second in the Empire. Since 1854 it has been in the hands of the Taepings, the Imperialists never having made any serious effort to dislodge them. The prospect of the English taking Nankin, and driving the Taepings out of it and into rich silk and tea districts adjoining, is regarded by a number of eminent authorities with just apprehension as the most unfortunate thing that can happen to our trade. That I am justified in assuming that this is one of the points against which the newly-raised force will be directed, will be seen from the following passage in a despatch written by Earl Russell on the 7th of July 1862, after Captain Osborn's expedition had been decided on:—a despatch in which he throws the old neutrality policy overboard altogether, and adopts in full the principle of interference which has been acted upon, by all the British officials in China.

“The rational course for us to pursue is, to defend our own trade, to protect the treaty ports, and to encourage the Chinese Government to arm a sufficient force of Artillery, Infantry, and Cavalry, to overcome the rebels, and reduce them to subjection.

“You will arrange for the stay of the troops at Shanghai so long as that settlement is menaced by the rebels.

“Ningpo ought to be recovered by the Imperialists, and, when they have force sufficient for the purpose, they should undertake vigorous operations against Nankin. “I am, &c.,

(Signed) “RUSSELL.

“Foreign Office, July 7, 1862.”

Sir Frederick Bruce, however, a year be-



fore, on the 16th of January 1861, said he did not see that the fall of Nankin would dissolve the bands which desolated the country, and gave this warning in these words—

“Should the capture of Nankin merely drive the rebels from the positions they occupy on the river, and the Imperialists be unable to follow them up with vigour and disperse them, they would seize other points not assailable by us, and feeling secure from chastisement by our naval force, they would be less amenable to reason. We should be liable at the ports to sudden and unexpected attacks unless we had force sufficient stationed at each for its defence.”

Again, on the 11th of July 1861, Admiral Hope wrote—

“I should consider the capture of Nankin as the most impolitic act which could be committed. There is not the slightest ground for the supposition that the loss of that town would have any material effect in the suppression of the insurrection, or any other, indeed, than that of the removal of the Taeping seat of government to some city in the interior out of our reach, and the creation of a feeling of inveterate hostility against us.”

Even Earl Russell himself, in September 1861, concurred with Admiral Hope in condemning the capture of Nankin, which a year later he recommended so strongly. Consul Meadows states that a Yang-tze campaign against the Taepings would require a large fleet and a considerable body of troops. He describes the probable course of such a campaign in the following words :—

“A few years back the aid of a small British army and naval squadron, operating along a portion of the Great River, could perhaps have enabled the Manchoes to suppress this particular Chinese rising against their rule; but now it would require a large fleet of steamers, operating throughout some 1,500 to 2,000 miles of the Great River and its larger branches, and some 20,000 troops, operating in three or four complete small armies in different parts of the tract of country mentioned above as being more or less in the occupation of Taeping forces, and which extends about 800 to 900 miles from north to south, and 1,000 to 1,100 from east to west.”

So what was dangerous, impolitic, and unwise last year, is sound and right to-day. Our whole line of conduct is changed, and changed without any good cause or reason. I have now shown that this foreign inspectorate of Customs, having the command of an armed force, and really irresponsible, is one of the most dangerous institutions which has ever been sanctioned by the British Government. Its dangers are well summed up in the following words of an able writer :—

“In conclusion; the dangers arising from the foreign inspectorate becoming an armed power

with an immediately belligerent attitude, and that only now loom darkly in the future, are these :— The creation of a power in China which, though now under the control of an English officer, may pass successfully into the hands of Frenchmen and Americans; the probable use that may be made of such power to the detriment of English interests; the tendency of such a body as the foreign inspectorate of customs, when free from ordinary checks, towards degeneration and corruption, more especially when having a large armed force at their disposal; the complications that may arise from the absence of any clearly-defined understanding as to the position of foreigners in Chinese employ, with regard to extending protection to their persons in certain emergencies.”

I will next give a short history of the Anglo-Chinese contingent, a force with which Mr. Lay has nothing to do, and which is quite separate from Captain Sherard Osborn's force. In the year 1860 Colonel Ward, whose origin was rather doubtful, and whose nationality was also somewhat obscure, but who, I believe, was a member of General Walker's filibustering expedition, arrived at Shanghai; and being a man of courage and capacity, proposed to form a foreign legion, consisting of Manila men, Europeans, negroes, and, indeed, any one whom he could catch, for the service of the Emperor. There was plenty of material for the formation of such a force, for the ports of the eastern seas swarm with adventurers, filibusters, and scoundrels, who being unable to live elsewhere, have collected in that part of the world with no object but rapine and plunder, and whose doings have extended south to some of our own settlements, and are about to be brought under the notice of the House by my hon. and gallant Friend the Member for Wakefield. Colonel Ward collected his regiment, and proceeded to drill them; but the Taepings formed a similar force, and on one occasion it was found necessary to send a man-of-war to Nankin to recover twenty-six British subjects who were in the rebel service, and among whom were seven seamen of the British navy. The scheme, therefore, was given up, and, greatly to Mr. Bruce's satisfaction, as thus expressed in one of his despatches, the foreign contingent was disbanded—

“I report with satisfaction that the foreign legion has been disbanded. A few days before Captain Dew's visit they advanced to attack Tsing-poo, having been promised the support of 9,000 Chinese troops and twenty gunboats; as usual, the Chinese did not appear, and the foreigners, after losing twenty-three men out of sixty, were forced to retire. Having been unsuccessful, though from no fault of their own, they were discharged; and I trust this example

of the value of Chinese co-operation, and of their appreciation of military merit, will deter foreigners from joining them. The condition of those employed by the Taepings seems to have been little better; but as free license was given to plunder, their service may be more attractive to many of the adventurers who infest the coast of China. I have, &c.

"July 22, 1861." "FREDERICK W. A. BRUCE.

Colonel Ward then turned his attention to drilling Chinese, and in a few months he raised a considerable force, which on different occasions rendered pretty good service, although it was almost as often unsuccessful. His little army took part in all the military operations which were undertaken to clear the thirty mile radius around Shanghai. They worked harmoniously with General Staveland, and in fact were a part of the British force. Unfortunately, on the 20th of September 1862, Colonel Ward was killed in the attack upon a small town, and General Burgovine, whose nationality also was somewhat doubtful, was appointed to the command of the force, which he held till January last, when he lost it in a somewhat peculiar manner. The General was a man of large promises, which, however, he was seldom able to perform, and for some months he succeeded in persuading the Chinese authorities that he was always on the point of moving up the river to attack Nankin. At last a day was appointed for his departure, but, according to an account written by Consul Medhurst to Mr. Bruce, the General delayed the march, the line of transports went on accumulating, and 200,000 taels had been squandered without result. At this juncture the pay of General Burgovine's forces fell into arrear, his men mutinied, and he undertook to go to Shanghai to get the money due to them, amounting to about £40,000. Thither he proceeded with 150 armed men; but on his arrival one Ta-kee, a tea merchant and expectant mandarin, whose business it was to make the payment, told him that he should have the money when he started for Nankin. General Burgovine, who was said to have been drunk at the time, struck him, his followers ransacked the house, and finding in it a large sum of money, helped themselves. Some of this money, it was said, was afterwards paid to the troops. This high-handed proceeding incensed the mandarins, who determined to dismiss General Burgovine and cut off his head. This General took refuge with General Staveland, and afterwards proceeded to Peking to lay his complaint at the foot of the throne; and Captain Holland,

an officer of the Royal Marines, was appointed to command the force. General Burgovine obtained from the Emperor an order that he should be allowed to resume his command; but he could not secure obedience to that order at Shanghai, and he has now returned to Peking to endeavour to obtain the command of at least a portion of the troops. That terminated the connection of the foreign officers with the force, which then passed under the command of Captain, or, as he was then called, General Holland. He was appointed by the British Commander-in-Chief at Shanghai, and retained the command until the 10th of February, when he marched to attack Tait-shan. Captain Holland had with him a force of 2,500 men with twenty-two pieces of cannon, including some 32-pounders belonging to the British army. He attacked the town; but the rebels fought admirably, and the attack was repulsed. No fewer than 500 men were killed, and the 32-pounders were captured by the rebels. Captain Holland shortly afterwards withdrew from the command; but about the time he retired an extraordinary occurrence took place at the head-quarters of the contingent, showing how impossible it was to carry on such a system in China without coming into constant collision with the native authorities. Four or five men had been punished for the offence of selling their arms and ammunition to the rebels. The men underwent severe punishment, but during the night some mandarins, under pretence that the soldiers had not been dealt with severely enough, dragged them from prison and cut off their heads on the parade-ground. Next day, when the men went on parade, there was a row; the men broke from their ranks and rushed to the residence of the mandarins, with the view of serving them as they had served the prisoners the night before. What added to their excitement and exasperation was, that a boat containing sixteen stand of arms, of precisely the same pattern as that supplied to the contingent, had just been seized on the river, and it was said to belong to one of the mandarins, who was suspected of trading with the rebels. The soldiers believed, indeed, not, I fear, without reason, that the mandarins had put their comrades to death in order that their own treason might not be discovered. Nothing further was needed to show the utter hopelessness of dealing with these people at all. Captain Holland was suc-

ceeded by Major Gordon, and the notification of the appointment in the official papers clearly proved that both were appointed by no other person than General Staveland the Commander of Her Majesty's forces in China himself. The appointment was thus notified to the Chinese public—

Head Quarters, Shanghai,  
March 24th, 1863.

"The Prince Kung and Sir Frederick Bruce having approved of the appointment of Major Gordon, Royal Engineers, to the command of the Ward Force, Major Gordon will take over charge from Captain Holland from this date. By order, "F. Jans, D. A. A. General."

Major Gordon is one of the most distinguished young officers in the British army, having served in the Crimea and afterwards on the Turco-Russian Boundary Commission, and elsewhere, with great credit; and I cannot but regret to see such a man's services lost to his country and given to a barbarous and foreign Power. According to a notice in the *Gazette* of last Tuesday, Major Gordon is placed on the seconded list, and has, therefore, withdrawn from the service of Her Majesty for the present. It is quite evident that the contingent in China is intended to be a permanent force, or the officers accepting appointments in it would not be prepared to sacrifice their prospects in the British army. I do not wish to say a single word against them. The fault lies with the Government at home; British officers will always fight when their doing so is sanctioned by their Government, and it is not part of their duty to inquire as to the justice of the cause in which they are engaged. I cannot think, however, that it is right or proper to hold out inducements to British officers to leave their own flag. Captain Osborn will, I apprehend, be more highly paid than the British Admiral commanding in the China Seas, while Major Gordon will draw nearly as much pay as a General on full pay; and it is currently believed that there are other pecuniary advantages to be gained in this service, which it is not necessary to specify. Nor can it be said that they are engaged in the service of the Emperor of China, and that we have nothing to do with the matter. Captain Osborn and his men, as well as the Anglo-Chinese contingent, will be looked upon both by the Imperialists and the rebels as servants of Her Majesty, obeying the orders of the British Government. Already, indeed, Prince Kung has conveyed to Mr. Bruce a formal expression of thanks

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for the valuable aid rendered to the Emperor by the British, French, and Russian Governments, in most expressive words. I wonder it never occurred to those who inaugurated this policy, how dangerous was the example which they set the Taipings. The latest advices show that European officers and men take part, on the rebel side, in almost all the miserable conflicts between them and the Imperial troops; and although the British Government have endeavoured as far as they can to prevent the importation of arms into the rebel districts, yet all the regulations and proclamations which have been issued on the subject have totally failed in precluding the rebels from supplying themselves with as good arms as are to be found in the hands of the Imperialists; in fact, it is well known that Chinese, American, and European merchants are engaged in that very lucrative trade; pay and plunder is plentiful, and Europeans will soon be found in equal numbers in the ranks of both armies. I have now, I think, proved that this country is interfering in the financial, political, and military affairs of China, and that Sir Frederick Bruce, Envoy at Peking, has assumed many of the functions of Prime Minister of China. It was quite impossible, owing to the policy pursued by the Government, that he could help placing himself in that position. But as his new policy becomes developed it must weaken, instead of strengthening the Government it is intended to support. Such a system as that which we have now adopted in China, of doing everything we can for the Chinese and receiving pay in return, cannot be continued without compromising the independence of the empire. If, indeed, China is to be governed on European principles, it must be ruled by Europeans; but if it is to be governed on Chinese principles, it must be ruled by Chinese. The further we proceed in the present direction, the greater will be the probability that we shall find ourselves embarked in a Chinese civil war, only to end in an Anglo-Chinese protectorate, or even perhaps in an Anglo-Chinese empire. That policy, I must remind the House, bad as it is, depends on the life of one man. Prince Kung is now Prime Minister, and has obtained his high position in a very curious way; for a conspiracy having been formed for the purpose of placing him in power, three of his leading opponents lost not only their

places, but their heads. Inasmuch, however, as those men were then representatives of what is called the popular party, who object to foreign interference, and have left behind them a party which is still very powerful at Peking, it may happen that he may some day find himself treated in the same way as he has dealt with his political opponents; and should the other party come into power, the position of Sir Frederick Bruce will be somewhat difficult and awkward. But, if any further authority be wanted in support of the view which I entertain as to the policy of the Government in China, I need only refer to Sir Frederick Bruce himself, who, in writing to Earl Russell on the 10th of June 1860, says—

“There is, indeed, another alternative open to the people—namely, that of placing themselves under the protection of a foreign Power, in whose justice and force they have confidence, to preserve them from pillage and massacre. From the language held by some of the more influential native merchants, I think it not unlikely that sooner or later some such proposal will be made to foreign Powers, at the suggestion of commercial or religious influences, should anarchy increase, and should the decision of such questions be left practically to the people and the authorities of the provinces, in consequence of our being debarred from treating directly at Peking on matters involving Imperial interest and considerations of general policy of such vast magnitude. I am further inclined to believe that foreign support thus given would render the re-establishment of the Imperial authority very difficult hereafter. In the mean time, however, the task of supplying the place of the foreign force would become every day more difficult. The Imperial authority would be entirely discredited in the eyes of the people. The Chinese officials, pressed for money, and relying on foreign support, would become more than ever cruel, corrupt, and oppressive; and the Chinese, deprived of popular insurrection, their rude but efficacious remedy against local oppressors, would with justice throw on the foreigner the odium of excesses which his presence alone would render possible. The consequence would be popular hostilities, reprisals, and that train of events which would render it necessary to appropriate permanently the province occupied, or to retire from it, leaving behind a bitter ill-will among the people. No course could be so well calculated to lower our national reputation as to lend our material support to a Government the corruption of whose authorities is only checked by its weakness.”

The dangers and objections to the policy we have adopted never were more ably stated; and that which Sir Frederick Bruce anticipated is, I think, not unlikely to occur. Foreign protection has been given, foreign interference has been established; and it remains to be seen whether the policy of Mr. Bruce of 1860 was sounder or

wiser than the policy of Sir Frederick Bruce of 1862. But I would refer also to another authority—that of Dr. Legge, a most distinguished authority—a man who has mixed little in politics, but who knows China well, who has spent the greater part of his life there, who is one of the first Chinese scholars of the day, and who pursues his literary and missionary labours at Hong Kong, never engaging in trade, but living on the small stipend allowed him by the London Missionary Society; and I must inform the House that Dr. Legge has every personal reason to be in favour of the present system, inasmuch as he is nearly related to Mr. Lay, the chief of the Anglo-Chinese inspectorate of customs and the armed force placed at their disposal. Dr. Legge says—

“It behoves the British Parliament—the British people—to look to this new complication of affairs in China, to look it fairly in the face. If we are to pacify the empire, we shall require 50,000 troops, and may then find again that we have undertaken more than we are equal to. But I ask in whose interest we are to put down the rebellion? Hitherto Admiral Hope had been acting in the interest of the Imperial Government. Of course, if we fight its battles, it must pay all expenses. The British people cannot be expected to sacrifice the lives of its sons, and its treasure, to establish the Manchou rule, and all gratuitously. Now, I protest against our putting down the rebellion on behalf of the Imperial Government, however they may pay us for it, on two grounds. The first is the ground of its cruelty. I have read harrowing accounts of the devastations of the rebels—how the country is blasted by their march. The accounts are no doubt true. But I have seen also the ways of the Imperial braves, and kept company with them for hours together. Their march over the country was like the progress of locusts and caterpillars. Their thirst for blood was quenchless; their outrages on the young and old were indescribable. On the score of cruelty the case must be about even, inclining to the Imperialist side, if we may judge on the principle that the more cowardly are the more cruel. But the question is not about the masses, but about the officers of Government. And to know what will be the consequence if we put down the rebels on behalf of the Imperial Government, we have only to think of Yeh and his doings in Canton, when in almost twelve months he beheaded 70,000 people. I have heard Sir John Bowring, when other arguments for the Arrow war were exhausted, enlarge graphically on Yeh's barbarities. If we put down the Taepings, we shall kill our thousands on the battle-field, and the Governors of provinces will kill their tens of thousands in the execution areas. We shall be installing so many Yehs. Our high officers will be the ministers to so many butchers of human beings.”

Such is the opinion of a man who knows

China better almost than any other Englishman, and who is a perfectly unbiassed witness. The policy which has unfortunately been adopted in China, therefore, is equally open to grave objection whether it succeed or fail. If it fail in restoring order, and in re-establishing the present dynasty, it will inflict a great stain on the British name and on British arms. It will so infuriate the rebels that hostilities will be indefinitely prolonged; the solution of the Chinese difficulty—which seems only to lie in the appearance on the stage of some native of the country with sufficient powers of mind to raise himself to a position of supreme authority—will be indefinitely delayed. If we succeed in our policy, we shall establish in the Chinese empire one of the most intolerable tyrannies which the world ever saw. Every kind of cruelty will be committed in our name, deeds will be done which will cause a blush to rise to the cheek of every Englishman, until at last we shall be forced to put an end to the very power which we have vainly attempted to galvanize into a temporary existence. What we are doing in China has been done in India over and over again—the similarity of proceeding is very striking. In India our course has generally been, first, to make war against some native Prince; then having beaten him, we destroyed his army and weakened his authority in the eyes of his people; next we placed a resident at his Court, then we undertook to protect him from external and internal danger, and also to collect his revenue. Our help has generally been more fatal than our hostility. Thus, we gradually inuated ourselves into every part of his Government, until he had nothing left but his great fortune, which he spent in riot and debauchery, and at last we often have been obliged, for very shame, to put an entire end to his power. What has happened repeatedly in India is certain to happen in China if we persist in our present course.

Now, what is the ostensible object of all these proceedings? Why, to maintain our trade and increase our commercial supremacy in the China seas. But has it never occurred to those who have recommended and are carrying out this new policy that they are pursuing a course calculated seriously to injure that trade? It is a remarkable fact that almost all the silk, and a great portion of the finest tea, comes from the very provinces which have

for years past been in the hands of the rebels. Yet what is the result? In 1848 we imported from China 20,000 bales of silk and 65,000,000 lb. of tea, the total value of both being seven millions sterling. In 1862 the exports to this country from China had risen to 90,000 bales of silk and 110,000,000 lb. of tea, the total value of both amounting to seventeen millions sterling, an increase of 130 per cent in seven years! As the trade has enormously increased, it is idle to say that it will be endangered by the success of the rebellion. Free access is afforded to traders in the districts occupied by the Taepings, and no obstruction is offered to the transit of commodities. On this point there can be no doubt, for General Staveland, writing on the 3rd of July 1862, said—

“Europeans continue to visit the rebel country for purposes of trade, and are treated with civility; large quantities of silk have been brought into Shanghai during the last fortnight, and trade seems in a thriving state.”

But that is not all. Many of the British merchants think that our interference, by driving the rebels from the walled towns into the silk and tea districts, will create further ruin and devastation, and consequently, they look with much alarm on the new policy. They say that there is a probability that the Taepings will become so infuriated by our hostility to them that they will impede trade by shutting up the rivers and preventing our agents from buying or selling. They have never done so yet; but when they see British officers embarked in regular organized campaigns against them, when their cities are bombarded and their fortresses reduced, they are not unlikely to take steps for thwarting our great commercial objects. I have had an opportunity of consulting many London commercial houses engaged in the trade with China, and I find they are almost to a man opposed to Captain Sherard Osborn's expedition, and against an interference, calculated, as they believe, seriously to damage the commercial interests of England.

There is only one other point of view in which I wish to regard the question, namely, its probable effect upon our relations with foreign Powers. Two great European Powers have considerable interest in the far East. They are Russia and France. Russia has an interest in those seas which is increasing every day. Until

quite lately the great river Amoor formed the boundary between the Russian and Chinese empires, and Castreis Bay, near the mouth of the river, was the southernmost Russian settlement. In May 1858, however, Russia concluded at Peking a treaty of boundary, as well as of commerce with China, by which it was agreed that the territories situated between the river Ousouri and the sea should be possessed in common between the Emperor of China and the Emperor of Russia. We all know what possession in common between two such Powers as Russia and China means. The new line of demarcation between the two Empires was obtained by taking the river Ousouri from its point of confluence with the Amoor, and up to its head waters, then drawing a line from its head waters to the sea. That gave to Russia a large portion of Manchouria, and a coast 900 miles in extent, possessing numerous valuable harbours, and 1,500 miles of inland navigation. At the most southern portion of this district is situated a fine harbour, called Victoria Bay. There the Russians have already begun to establish themselves, have founded a town called Novgorod, have commenced to build ships, and to create something like a trade. That place is situated within only three days' steaming of Shanghai, and is close to the frontier of China Proper. Schemes are, I believe, under constant consideration at St. Petersburg for uniting the port at Victoria Bay with Europe by telegraph; and it is not at all impossible that before long that new town on the Pacific will be thus connected with Moscow and the European telegraph system. The restoration of tranquillity to the Russian empire will, no doubt, be quickly followed by the execution of that project, for which the surveys have been made. This indicates the great interests and objects which Russia has in these countries. Furthermore, Russia has lately shown a decided inclination to follow our example in assisting the Chinese Government in the suppression of the Taeping rebellion, and Russian agents have lately been in communication with the authorities in various parts of the empire as to the best means of carrying their views into operation.

But France likewise is in a very curious position in relation to those regions. She has expended large sums of money in the attempted settlements of Cochin China, and her efforts have, to a great extent, been a failure. Yet, if France succeeds in restoring confidence to the inhabitants of those districts, a considerable trade will

surely spring up at Saigon and on the Cambodia. But France has other objects in view in China besides those of a commercial nature. At the present moment her commercial interests in China are very small — indeed, almost absolutely null. There is hardly a French mercantile house in China. But the French have several naval and military dépôts in China, and a large native force at Ningpo, commanded by French officers. The rank and file are drawn from the scum of the Chinese, and many of the officers come from that class of Europeans which have not raised the character of the foreigner in China. This force is thus described by a journalist in *The China Overland Trade Report*, March 14, 1863—

“The constitution of this French contingent is as inexplicable as it is indefensible, and it is not doubted, nor can it be, that territorial aggrandisement is the motive power. At the present moment the situation of affairs in Annam has disabled the French from having the force at Ningpo which they otherwise would have, for the maintenance of those peculiar pecuniary claims which they so pertinaciously set up against the local authorities of that place. Consequently they have established this contingent force, which, though under the control of the French authorities and under the command of officers of the French army, does not otherwise consist of Frenchmen. The rank and file are recruited from the very scum of Chinese society, rendered desperate by oppression and destitution—the officers are those European outcasts which for years have made the foreign name so infamous on the China coast, and for whom Ningpo has long been the resort. The inducement to join this service is the absolute licence allowed to plunder. This may appear incredible, but what has occurred in relation to this second Shou-hing expedition proves it.”

It is also stated that the Anglo-Chinese contingent are deserting to the French contingent, attracted by the superior advantages of pay and plunder which are offered them. But the objects of the French are principally ecclesiastical. For centuries the French Church has taken an active interest in the Chinese missions. At the end of the 17th century the Jesuit missionaries had spread all over the country. They established schools; they educated those who aspired to the higher offices of state, and for some years, under the name of tutors to the Emperor, they exercised many of the functions of Prime Ministers. In 1726 a great persecution arose. Numbers of the native Christians were killed, and whilst many of the Jesuits gave up their lives in the defence of their faith, others were glad to leave the country. But ever since that time there has always been a number of

French ecclesiastics in China. The Lazarists have always had establishments in the country. The Jesuits have now returned; the exertions of Roman Catholic missionaries are increasing, and the French Government are actually laying claim to many sites in different parts, which were occupied by French ecclesiastics centuries ago, and not only laying claim but actually obtaining possession of them. A French cathedral has risen at Canton, and a larger ecclesiastical institution has been erected close to Peking. It is for these objects that the French wished to extend their influence. Can we object if, with higher aims and holier objects, they follow our footsteps, and enrol armies and man fleets, not for the purposes of trade and the advancement of commerce, but for the propagation of the true faith and the conversion of the heathen? I may be asked what practical steps should be taken to avoid the dangers I have referred to? I am fully conscious of the enormous difficulty of receding from such a course once entered on, and of turning back to the old line of neutrality, but it is quite possible to say, "We will go no farther." The Order in Council was only issued for two years. Her Majesty's Government might intimate to the Chinese Government that at the end of two years their officers must return to their duties, and there must be an end to their interference and assistance. A period would be named when intervention should end, and when no further help would be given. I am convinced that the further we pursue the course in which we have embarked, the deeper we shall get into the mire, and that public opinion will ultimately force the Government to retrace their steps. Our true policy is simple, straightforward, and easy of adoption. No interference on our part between the contending parties in China should be permitted, except so far as it is indispensable for the defence of British property and settlement. If measured by this rule, our course would be clear and the civil and military servants of Her Majesty would have no difficulty in acting on instructions so framed. I have now shown to the House, as well as my ability serves, what is the present state of affairs in China. A view of subjects so diverse and so important, compressed into the limits of a single speech, could be only a sketch, and I wish that the sketch had been made by some abler hand. Sir, I have asked the attention of the House to the subject, because I am perfectly convinced

*Lord Naas*

that our present policy, which is as novel as it is dangerous, is one from which we ought to recede as soon as possible. The old attitude of England to the Chinese Government was hostility. It passed to neutrality, and it is now gradually drifting into active interference with every department of Chinese public affairs. I have now done. I believe I have shown that the course which the Government are taking will, if continued, seriously imperil the character of the British name, injure our commercial interests in the Eastern seas, involve us in responsibilities and liabilities, the end of which it is impossible to foresee, and above all, will probably produce serious embarrassment in our relation with foreign Powers. These important matters I commend to the calm consideration of this House, and I own that I await with some anxiety the explanations which I hope are now about to be given on the part of Her Majesty's Ministers.

SIR HARRY VERNEY said, he did not at all agree with the noble Lord in the expression of his regret that the subject to which he had called attention had not fallen into abler hands; for a more able and interesting statement he had seldom heard in that House, or one which commended itself more generally to their sympathies. He regretted, however, that the noble Lord had thought it necessary to illustrate his view of their conduct in China by throwing anything like discredit on their conduct in India; because although there might have been occasions to which his observations would apply, still, generally speaking, the conduct pursued by the British authorities in India in circumstances similar to those referred to had been such as to bring great blessings on the country and diminish the evils under which different parts of India laboured. About thirty-three years ago the district of Hyderabad was one of the worst in India. It was utterly disorganized, and altogether in a most disgraceful condition. The Governor General of that day sent an officer with very high powers into that district, and the consequence was that for the last thirty years there had not been a more quiet or well-ordered district in India. The object of Her Majesty's Government in China had from the beginning been to raise the character of the Chinese authorities, and gradually, by good example and the conduct they should urge upon them, to fit them to govern their own country, and to maintain peace there, which was far more important

to British interests than any authority they could exercise themselves. As the order in Council was only to last two years, it was manifestly the intention and desire of the Government that the Chinese authorities should within that period be able to conduct their own affairs. Having followed with much attention the proceedings of their authorities in China, he had learnt that they had interfered merely for the purpose of protecting British interests and the lives and property of our fellow-countrymen. The great increase that had taken place within the last six years in the value of property at Shanghai showed how beneficial their action had been, and he could not but think that the thirty-mile radius round that city was a very proper arrangement. He thought that justice was not done to Colonel Ward, who had been remarkably successful in drilling the native troops. As long as they exercised their influence in China only for the improvement and benefit of China, together with the fair interests of our countrymen engaged in commerce there, they had a reasonable hope of being able before long to withdraw their troops from that country, and he had no doubt but that such was the desire of Her Majesty's Government.

MR. LAYARD said, he could assure the House that he had no misgivings upon the policy of Her Majesty's Government in China. That policy had been pursued by the Government since he had the honour of being a Member of it, not only with regard to China, but to all Eastern nations. It would appear, from some observations which fell from the noble Lord, that when the question had been raised some time ago he (Mr. Layard) had abstained from saying anything upon the subject, because he did not dare to face the question. He thought he had before explained the reasons why he did not rise upon that occasion to reply to the hon. Gentleman opposite. It had been said that the question was one of the gravest interest; but when he looked at the state of the House then, and remembered what it had been upon a former occasion, he did not understand why, if this question was of such vast interest, it was so neglected by the House of Commons. He had said that he had no misgivings as to the policy of the Government, which agreed entirely with the views he had entertained as long as he had sat in that House. He was not surprised that the noble Lord—who had brought forward the question in a

speech of great length and of considerable ability—should find fault with the Government. It was the duty of the noble Lord to find fault with the Government, and to censure everything they did. And so nothing that had been done in China had escaped the noble Lord's censure—the policy of the Government in relation to that country was fraught with mischief and danger. If all that the noble Lord had said was true, the Government deserved the strongest censure, and his only wonder was that the noble Lord had not concluded with a condemnatory Resolution; but he was surprised the hon. Member for Rochdale (Mr. Cobden), who cheered the noble Lord, should be of the same opinion, and should unite with him in condemning the Government. He should have thought the hon. Member for Rochdale and his Friends would have supported the Government in a policy which, when he had the honour of sitting among them below the gangway, was the very policy they had suggested. He had been under the impression that they had thought it the duty of the Government to deal with China and other Eastern nations as with civilized nations, upon a footing of complete justice, and not to ride roughshod over them—not to treat them as barbarians, with whom no obligations were binding, and who had no rights, but to remember that we were under treaties with them which we were bound to respect. Such, he thought he could show, had been the policy of the Government. But the noble Lord, not satisfied with condemning Her Majesty's Government, had made them responsible not only for their own policy in China, but also for that of Russia and France. He thought he could, at least, show that there was nothing in the policy of the British Government analogous to that pursued by Russia. It was said that Russia, by following our example, had acquired possession of 900 miles of coast; but there was no such example set by us, for we had appropriated no territory. Our policy had been consistent with the true interests of China herself. He would remind the House that our relations with China had changed within the last few years—not that the opinions of the Government, or the principles on which they acted, had changed; but circumstances had altered, necessitating a change of policy. Formerly we had no direct relations with the central Government of China, and the Government at Peking was a mys-



tery to us. We had to deal with small governors—each port being almost treated as a distinct capital. The central Government was as ignorant of us as we were of them, and it was the interest of the local Governments to deceive the central Government, and to delude us. That state of things brought about a serious evil, and the British Government had great difficulty in checking the proceedings of the consuls and naval commanders at the various Chinese ports. It became the habit, if such redress as the merchants deemed themselves entitled to were not accorded at once, and frequently even without inquiry, to adopt very high-handed proceedings. Our merchants and traders encouraged this conduct of our Admirals and Consuls, which was extolled at showing true British spirit and supporting British interests, and addresses of congratulation were voted, and services of plate were presented to them. China was called upon to observe treaties which we ourselves did not always observe, and many of our fellow subjects behaved in China upon the buccaneer's maxim of no law across the line. But all that had changed within the last few years. After the treaty of Tien-tsin a Minister was appointed to reside at Peking. When, on former occasions, the Chinese question had been discussed, it had been imputed to the Government that they had gone to war in order to obtain a resident Minister at Peking. If the charge were a just one, the result had at least proved that the Government had not overrated the importance of having a resident Minister at Peking. Instead of desultory negotiations with local governors, we now had direct communication with the central Government at Peking, and, instead of exchanging shot and shell, we simply exchanged diplomatic notes. The central Government now could learn the truth, which before had been concealed from them, and they were beginning to understand that the treaties we had made with them were not one-sided, but were as much for the benefit of China as for the advantage of England. The power of direct communication with the Emperor and the Ministry had completely changed our position with regard to China, and had proved of very great advantage. We had shown the Chinese authorities that the best guarantee for internal peace, and the preservation of friendly relations with foreign Powers was the fulfilment of their treaty engagements. Our policy had in view two

objects—to strengthen the Chinese Government as far as we could legitimately do so, as the best means of preserving tranquillity in China; and to secure the observance of treaties, not only with this country, but with all nations, without the necessity of that constant pressure which in former days used to end in war. In order to attain these objects, it was necessary to give such support as we were able to the Liberal party in China—to that party which was not opposed to intercourse with foreigners; and most fortunately for the success of the British policy, there was at the head of affairs in China a very enlightened man, Prince Kung. The noble Lord said that this Prince was the only man of the class in China, and that if he failed, us we should recur to the old state of anarchy. Now, from the reports of Sir Frederick Bruce, he believed that there were in China many statesmen who shared the views of Prince Kung—men of great ability and determination, who would assist him in carrying out the policy which, fortunately for us, he had adopted. At the same time, we enjoyed the advantage of having at Peking a very able Minister in the person of Sir Frederick Bruce, whose tact, prudence, impartiality, and high sense of justice tended greatly to the success of a policy of conciliation. But Sir Frederick Bruce had had a most difficult task to perform, and the difficulties arising from the Chinese themselves were small in comparison with those very frequently created by persons who ought to have supported him—namely, British subjects. The Government entirely approved the course which he had pursued in treating with the Chinese upon the principles of justice and of respect for treaties and engagements—dealing, in fact, with the Chinese Government as one capable of understanding and fulfilling obligations, and not as one with which we could only deal by constant appeals to arms.

It would be impossible to follow the noble Lord in all his remarks, though, had time permitted, he thought he could answer almost one by one the objections taken to the policy of the Government. It was very easy to find in the blue-books isolated points for criticism, and the noble Lord appeared to have raked among them with great industry. In carrying out any policy, no doubt there must be some things open to objection. He admitted that such might be the case here; but taking a general view of the question, and looking at the broad principles on which Her

Majesty's Government had acted in China, he believed that their policy was a just one, and that it was most consistent with the interests, not only of this country, but of China itself. From the little study which he had given the subject, the Chinese appeared to be a peculiar people, with what might be called innate good qualities; for they were industrious, they loved order, and they were easily governed. The latter quality, however, had led to such a degree of supineness in the Government that its control had gradually relaxed, and the country had fallen into much disorder. It was curious, that in the opinion of persons well acquainted with the country, the main cause of the difficulties in that country, was the reverse of what had been stated by his hon. and gallant Friend (Colonel Sykes.) Those persons declared that its disordered condition was owing, not to the presence of the Tartar element, but to the predominance of the Chinese element. It was because the Tartar element had declined, that a state of chronic anarchy had existed so long there. When the Tartar dynasty first governed the country, their courage and military qualities had enabled them to maintain order. But those qualities had grown gradually weaker, through the peaceful tendencies of the Chinese themselves, and after the lapse of some centuries, the control of the Tartar military police became so small, and the check upon the population so little, that brigandage arose in many of the provinces, and a state of anarchy existed, which the Government, not possessing an adequate military force, were unable to put down. Hence the present disorganised condition of the country.

One of the principles of Chinese policy adopted by the Tartar conquerors was the exclusion of foreigners, contact with whom they believed would ruin the country. All they knew of us was, that we went to China, as they believed, to cheat them, and to bear them down by our high-handed proceedings; and the Imperial Government never had any communication with us except through local Governors. Now, the first thing Sir Frederick Bruce had to do was to remove this unfavourable impression, and lead Prince Kung to believe that we were ready to discuss points with him, to interchange ideas, and see whether a fair understanding could be come to without quarrelling and without war.

Among the first-fruits of his new policy were two remarkable concessions given to

us by the Chinese Government. Those acquainted with the details of the Treaty of Tien-tsin would know that one of the points most strongly resisted by the Chinese Government was the opening to British vessels of the carrying trade of a staple article of food—a kind of bean flour and pulse, which formed a considerable trade between the north and south of China. This trade was prohibited by the treaty. But Sir Frederick Bruce discussed the subject with Prince Kung, and after pointing out the advantages of a free trade system, and showing that a system of protection only increased the price of food to the Chinese themselves, he convinced the Prince of the soundness of these views, and British shipping thus acquired a great advantage. Again, by argument instead of force, our Minister had induced Prince Kung to extend the operation of the treaty, and to open that great river the Yangtze-Kiang to British shipping, and to allow two ports there for the settlement of European traders. At one time the whole river was thus thrown open; but, unfortunately, a contraband trade sprang up, in consequence of which the restriction of the British to two ports became necessary. Both these important concessions were obtained entirely through talking the matter over with Prince Kung, and leading him to see that the advantages were as great to the Chinese as to the English. Now, formerly, in order to obtain such concessions, we should have had to go to war, and should have had to spend hundreds of thousands, or perhaps millions of money, instead of obtaining what we desired by diplomatic arrangements. In all those communications with Prince Kung and the other Imperial Ministers, they said—"You ask us to open our ports and allow British subjects to go into the country in all directions, in order to develop fresh sources of trade; but how can we do these things when this rebellion is going on? You complain of disorder, you say that protection is not given to your goods, and that extortions are sometimes practised on British subjects, and you make us responsible for them. Help us to procure disciplined troops, and to put our finances in order, and then we will do what you wish." Were these demands unreasonable? To listen to the noble Lord, one would fancy that no Power had ever before employed foreigners, either for the better regulation of its finances, or for the reorganization of its army. Why, Russia not two hundred years ago was in a far

more barbarous state than China, and it then called to its aid English admirals, French generals, and German financiers, so that there was scarcely a minister in Russia who was not a foreigner. Through such foreign assistance Russia had become a civilized Empire. In our own time Turkey has followed much the same course, employing foreigners in its army and navy, while even at this time there was an English officer an Admiral in the Turkish service.

An extraordinary fallacy ran through the speech of the noble Lord—namely, that what we had done was war, and that we were at war with a portion of China. Now it seemed to him, on the contrary, that what we had done was a proof not of war, but of peace, and we were never further from war with China than we were at the present moment. Then they were accused of a kind of *solidarité* with the Chinese Government against the Chinese people; but he was certainly very much surprised that, after making that accusation, the noble Lord should have read two extracts—one from a despatch of Earl Russell to Sir Frederick Bruce, and the other from Sir Frederick Bruce to Mr. Consul Harvey—laying down precisely what our objection was in furnishing the Chinese Government with assistance, and disclaiming altogether any intention to interfere between the Government and their rebel subjects, or to do anything else than to assist in organizing the Chinese troops, and in putting the finances of the country in order. Her Majesty's Government considered it necessary to defend the treaty ports, because in them was an enormous amount of British property. We defended them because we knew, that if they were captured by the Taepings, that property would be destroyed. [Colonel SYKES: No!] His hon. and gallant Friend said "No;" but he would prove to the House that the British merchants were of the same opinion as Her Majesty's Government. His noble Friend asked whether the English officers employed under the Chinese Government were still British subjects. To a certain extent they were; for all English officers remained so even after they took service under another Government in the way those officers had done; but for the time being they were actually under the command of the Chinese Government, and we were not responsible for their actions. The noble Lord seemed to think that in consequence of Her Majesty's Government having allowed the Chinese to employ British officers we should have for several

years to keep British troops in China. Indeed, his hon. and gallant Friend (Colonel Sykes) had more than once stated that the number of our troops in China had increased; but so far from that being the case, the policy of allowing British and other officers to be employed in China—for the foreign officers employed under the Chinese Government were not exclusively British officers, but were officers of all nations, French officers being among them—had resulted in a diminution in the number of British troops in China. In September 1860, immediately after the war, the number was 21,235; in September, 1861, the number was reduced to 9,626; in September 1862, it was 4,679; and on the 1st of February in the present year, 4,639. On the 7th of the same month the officer commanding was instructed to send back the 31st Regiment, 800 strong, a battery of Royal Artillery, and since then a wing of an Indian Regiment.

With regard to the thirty-mile radius, of which so much had been said, and respecting which some Gentlemen contended the Government had gone a great deal too far, the question was a military one, and the Government had had nothing to do with it but to sanction the report of our own military officers, who thought that a radius of thirty miles was absolutely necessary for the defence of Shanghai.

The noble Lord had made an admission in the beginning of his speech, which he seemed to have forgotten at the latter end of it, though the matter was almost the essence of the question—namely, that the Taepings had no recognised Government with which Her Majesty's Government could communicate. That was a point of the very greatest importance in the consideration of the question, because it was impossible for us to enter into relations with the Taepings if they did not admit the validity of our treaties, or had no Government which could be held responsible for their violation. But he was not disposed to again go over the question of the Taepings. Every one who had visited China, and who had an opportunity of forming an opinion on the subject—whether our own agents, independent merchants, or missionaries, agreed in this, that the Taepings were unable to found any Government; that they were mere plunderers going over the country and devastating right and left—destroying and not building up. As that point might be disputed by his hon. and gallant Friend (Colonel Sykes), he begged to read once for all an extract from a letter

of one of the most distinguished English merchants in China, Mr. Michie—

"I have no hope of any good ever coming of the rebel movement. No decent Chinaman will have anything to do with it. They do nothing but burn, murder, and destroy. They hardly profess anything beyond that. They are detested by all the country people, and even those in the city who are not of the 'brethren,' hate them. They have held Nankin eight years, and there is not a symptom of rebuilding it. Trade and industry are prohibited. Their land taxes are three times heavier than those of the Imperialists. They adopt no measures to soothe and conciliate the people, nor do they act in any way as if they had a permanent interest in the soil. They do not care about the ordinary slow and sure resources of revenue. They look to plunder, and plunder alone, for subsistence, and I must say I cannot see any elements of stability about them, nor anything which can claim our sympathy."

It had been alleged that the Taepings would not have attacked our treaty port at Shanghai; but what took place when they threatened that city? If hon. Gentlemen turned to the blue-book, they would find that the English merchants there formed themselves into a band to defend the city. They held a meeting and passed certain resolutions, among which was the following:—

"That the committee be empowered to request from the Naval Commander-in-Chief increased protection for this settlement during the present emergency." In conformity with the resolution, we would venture to point out to you the extreme probability that the present movement of the Taepings, or rebels, so different from former ones, both in the force reported to be employed and the avowed object with which it is commenced, may keep the settlement in a state of danger and alarm for many months to come. Should the Taeping forces not be dislodged from the surrounding country, they will probably lay a sort of siege to the city and settlement of Shanghai, and, according to usual Chinese tactics, keep up a constant annoyance. Under those circumstances, the small volunteer corps that exists here, and which is now, as you are aware, performing the duty of guarding nightly the inner lines of defences, will be quite inadequate to the labour; for it must be borne in mind that the gentlemen forming it have still to attend to their usual daily business occupations. We feel strongly, therefore, the advisability that the regular forces of Her Majesty should be so strengthened as at an early period to relieve the volunteer force of constant duty, and to give such a feeling of security to the residents of the settlement as may prevent these recurring panics, so utterly destructive to trade, and at all times imperilling the lives and property of Her Majesty's subjects. It having been understood that the policy of Her Majesty's Government is to defend the city and settlement of Shanghai from the Taepings, or rebels, it has led to a vast accumulation of population and wealth here. This latter is daily a greater temptation to the Taepings to endeavour to plunder, the more especially now as their armies are relieved from the siege of Hang-Chow, and are flushed with the capture of Ningpo. Hence,

if the policy of Her Majesty's Government is to be maintained—and that it should be so we most cordially agree—we believe that a considerable permanent addition should be rapidly made to the force of troops stationed here."

Now, as to Ningpo, a great misconception had arisen with regard to that place. The city of Ningpo was divided into two parts. The river ran between them. On one side of the river was a part of the city thickly inhabited by Chinese; on the other side the Europeans thought it right to make a settlement. On a former evening, his hon. Friend the Member for Northumberland (Mr. Liddell) made some observations on that settlement. He looked on it as if it was something peculiar and out of the general rule. [MR. LIDDELL: I said we had no legal status there.] It was, however, one of the ports with which we were authorized to trade; but as to our not having a settlement there, that was a mere matter of detail. When the Europeans had settled themselves in one of these ports, they found it most convenient that they should have a portion of it to themselves, in order to avoid those strifes which so frequently arose from a mixture of European and Eastern populations. There was another reason for that arrangement, arising from Europeans being "extra-territorial"—that was, having rights differing from those of the native population, having different laws, and having those laws administered by their own officers. It was true that the formal settlement of that portion of Ningpo to which allusion had been made, had not been proclaimed, but that did not alter our legal status. At Ningpo, the Taepings came down on that part of the city opposite to the settlement of the Europeans—namely, on the part occupied by the Chinese—and the whole of the Chinese inhabitants fled. He had heard it said, by way of argument against the policy of Her Majesty's Government, that the trade with Ningpo was not interrupted after the Taepings had entered. Why, the fact was, that the Chinese inhabitants fled to that part of the city occupied by the English, and that being a treaty port, we held it. The Chinese took refuge under our laws, and the population became so enormous that the trade did not fall off, but on the contrary increased. But that part of the city which was held by the Taepings was entirely deserted by the traders, and was only occupied by an armed rabble. The noble Lord had somewhat mis-stated the state of things at Ningpo before Captain Dew interfered. If hon. Members

would read the further papers which had been presented on this subject, they would see that the real cause of quarrel was that the Taepings insisted that they should have authority over the English settlement, and that that part of the town inhabited by Europeans should be placed under them. In a letter from Consul Harvey it was stated that the interference was just in time, for that the Taepings were meditating a treacherous attack on the European settlement, which was to have been put into execution in the course of a few days.

If we had allowed the Taepings to occupy the treaty ports, the result would have been the entire destruction of our trade. That was the conviction of every merchant in China. Either we must have gone to war with the Taepings to defend our own interests and to support our traders, or we must have gone to war with the Chinese Government to compel them to make the Taepings respect the treaties we had entered into with that Government.

Again, the noble Lord had not stated the case quite fairly as regarded Captain Osborn and the other officers who had taken service under the Chinese Government. Captain Osborn did not come from China to organize volunteers and a flotilla, nor was he, in fact, the agent and representative of the Chinese Government. Mr. Lay was the agent of the Chinese Government, with full powers: acknowledged by Prince Kung and Sir Frederick Bruce, and he was the only person authorized to act for the Chinese Government here. Captain Sherard Osborn had, with the permission of his own Government, entered into the service of that of China. The flotilla was intended to put down piracy, and for that object almost alone. The Chinese Government had pledged themselves to put down piracy; and if they did not do it, we should have to do it. The principal reason why we had to keep so large a force in the Chinese waters was to put down piracy, which was known to be the greatest evil our traders had to encounter; and if the Chinese Government were in a position by their own forces to effect this, we should be relieved of a responsible duty and of a great expense, and a great security would be given to British trade; so that Captain Osborn would remove a source of difficulty and of constant dissension between the British Government and the Chinese authorities.

The same policy prevailed in regard to the custom-houses. The noble Lord

*Mr. Layard*

spoke as if the customs were entirely under the authority of Englishmen, but the list which he could read contained the names of Germans, French, Americans—in fact, of all countries. Mr. Lay, a gentleman of great experience and ability, had been selected by the Chinese Government to be placed at the head of their customs; and if hon. Members would read the papers on the table, they would see how much the customs revenue had increased under his able management. Sir Frederick Bruce, writing to Earl Russell, said—

"Before the Treaty of 1842, when Canton was the only port open to foreign trade, the revenue from customs was assessed at 900,000 taels (£300,000.) On the opening of the four new ports stipulated by the treaty, the revenue from the customs diminished, and in 1857-8 it did not reach 400,000 taels (£133,000). On the introduction of the foreign element into its management the revenue rose, and in 1861 the receipts were 1,400,000 taels (£470,000.) Deducting 40 per cent (560,000 taels=£187,000) payable for the indemnities, there remain 840,000 taels (£280,000), being not far short of the sum derived from the whole foreign trade of China, when concentrated at one port. The results of foreign management have been the same at every port where it has been introduced; and looking to the recovery of the indemnities, and to the great importance of the Chinese Government not being deprived of funds at a moment when it is striving to restore tranquillity to the country, I think your Lordship will agree in the policy of upholding the system against the clamour of those who are interested in returning to the former corrupt and unsatisfactory customs administration. I have just heard the result of the first month's collection at Amoy. The estimate of the Chinese authorities was 5,000 taels (£1,666), and the receipts were 30,000 taels (£10,000)."

It was perfectly true that the introduction of foreigners into the customs had been much attacked by the Europeans in China, and caused a considerable outcry there. But what had been the reason of that? Up to the present time foreign merchants had always been attempting to evade the payment of legal duties. They had recourse to all manner of fraud and deception. Of course, there were many exceptions. There were in China firms of the highest respectability, who would not be guilty of such practices; but there were also a vast number of adventurers, who went out to make fortunes as rapidly as possible, who had no regard for morality, or anything else, and whose only object had been to cheat and defraud the Chinese Government. He wished very much that hon. Gentlemen would read Mr. Lay's letter on that subject, which was to be found in the appendix to the papers presented last Session, and which showed

the causes of the opposition to the introduction of foreigners into the management of the customs. Mr. Lay mentioned that several firms of the greatest standing had been concerned in these evasions, and in justice to two of them who had been named—Messrs. Lindsay and Messrs. Jardine, Matheson, and Co.—he wished to read to the House their explanation on the subject. Mr. Lindsay wrote—

“Two clerks in the employ of Lindsay and Co., in direct violation of their agreements, and without the knowledge of their partners, committed this act of smuggling. On discovery, they were justly punished by the confiscation of property worth £1,000. The firm bearing my name have throughout been consistent supporters of the new system, the object of which was that the legal duties should be fairly levied on all. Such an act of smuggling, discreditable under any circumstances, would, in my opinion, have been absolutely disgraceful and dishonourable had it been committed by a firm avowedly supporting the introduction of a new and better system of collecting duties. Under these circumstances, I think I may in justice request that Lord Russell will allow this refutation of an unjust and injurious charge to appear in the next batch of Chinese correspondence laid before Parliament.”

Mr. Jardine wrote in a similar strain. He said—

“There is nothing which we desire more than an efficient custom-house system established on the coast of China, and we have from the commencement cordially approved the principle of a foreign inspectorate.”

There, then, was the testimony of two of the largest houses in China that the new system worked well, and that it was favourable to trade. And he (Mr. Layard) believed that no greater boon could be conferred on the respectable British trader than the introduction of a regular, well-defined custom-house system. Moreover he must point out, that as the indemnities owing to this country were to be paid out of the Chinese customs, it was of great importance to us that the duties should be regularly collected. He trusted he had shown to the House that there was nothing extraordinary or against the policy of neutrality either in permitting the Chinese Government to have recourse to the services of British officers who were at the time on half-pay, or in allowing British subjects to undertake the organization of the Chinese custom-houses.

Another difficulty which Sir Frederick Bruce had to contend with, and to which he had directed the attention of the Govern-

ment, was that of dealing with our own subjects. No doubt many of them were highly respectable, but a large portion were the very reverse. The Europeans of that class were almost the worst portion of the population of China. They supplied Members of the House with complaints against the British and Chinese authorities, and they did their utmost to thwart the policy of Sir Frederick Bruce. How was it possible for Sir Frederick Bruce to persuade the Chinese authorities that the British Government were acting in good faith, when they too often saw British subjects acting in direct violation of treaties, and in a manner discreditable to the nation to which they belonged? Sometimes they took possession of land, for which they refused to pay. Sometimes they smuggled goods, and, when detected, came to the representative of the Government to support them in such practices. That was one reason why hon. Members were so often getting up and reading letters and extracts from newspapers containing charges against the Chinese authorities and the English Government, which were entirely unfounded. He believed that the policy of Her Majesty's Ministers was just and humane towards China. It was calculated to prevent, instead of encouraging war, and we were never so far from war with China as at that moment. If, indeed, the Government were to revert to the old state of things, and refuse to support their officers in controlling British subjects, it would be better to allow the old East India Company to deal with China, and to confine the trade under severe restrictions to one or two ports.

The noble Lord talked of Sir Frederick Bruce as being the Prime Minister of China; but it was to be remembered that Sir Frederick Bruce had colleagues at Peking; he was acting cordially with the American and French Ministers, and the assertion that he was Prime Minister of China was therefore without foundation.

The authority of Dr. Legge had been quoted. Dr. Legge said, “Talk about the cruelties of the Taepings, but what cruelties have I not seen committed by the Imperial braves!” But Her Majesty's Government were putting an end to the system of employing these braves by the introduction of disciplined troops, who would not be guilty of these atrocities. He believed, however, that the Imperialist atrocities had been much exaggerated. [Colonel SYKES: No.]

Yes, he would take the word of Admiral Hope in preference to that of the informants of his hon. and gallant Friend. Dr. Legge talked of the Government putting down the rebellion, and sending 50,000 troops for that purpose; but Her Majesty's Government were not engaged in putting down the rebellion. They were, on the contrary, withdrawing British troops, of which there was a smaller number that year in China than the last. The more the Chinese disciplined their troops, the less necessity there would be for the British Government to defend the treaty ports, which were so important to the trade of this country. The noble Lord talked of the Government as withdrawing the filibusters, and giving the command into the hands of English officers. Was it not, however, much better that the Chinese troops should be commanded by men who would not permit acts of cruelty to be perpetrated? Then the noble Lord drew an analogy between China and India. But in reality there was no analogy between the two cases. In India a portion of territory had been acquired by British subjects, and from small settlements they had attained to a large empire. But the British Government went to China, not to establish themselves as rulers; on the contrary, they desired the independence of China, and to support the Chinese Government in maintaining it by putting an end to disorder and disorganization. The noble Lord was correct in saying that the tea trade had not fallen off, because tea was for the most part grown in districts still occupied by the Imperialists. The noble Lord added that the silk trade had increased. A considerable portion of the silk district was occupied by the Taepings, but not the whole; and the reason why the supply of silk had not diminished was that the Taepings did not generally interfere with the agricultural population, but only sacked the cities. The noble Lord had fallen into the error of supposing that all the country overrun by the Taepings was occupied by them. If he had read the statement made by Consul Parkes, he would have seen that after they had sacked one city they went to another, and did not attempt to occupy the agricultural districts which they overran. The only place they had occupied for any length of time was Nankin. The latest accounts from that city represented it as deserted, except by the Taepings and the young women they used as slaves, for they did not permit marriage. Nothing

had been done to rebuild the city, or to introduce commerce.

The Taeping leaders had stated, that if they had not interfered with the treaty ports, it was only in consequence of the policy pursued by Her Majesty's Government at those ports. That admission of the Taeping leaders showed that the policy of Her Majesty's Government, in regard to the treaty ports, was just and right. If, however, the Government had done nothing; if the treaty ports had been allowed to fall into the hands of the Taepings; and if the trade had been stopped, the noble Lord would have been the first to denounce the inaction of the Government. It was his belief that the Taeping rebellion was gradually breaking up. Already some of the more important Taeping leaders had gone over to the Chinese authorities, and when Nankin fell, the whole Taeping rebellion would probably fall with it. The despatches of Earl Russell and Sir Frederick Bruce, which the noble Lord had quoted, were penned under circumstances very different from the present, and when the rebellion was at its height, and the Imperial Government had not organized an army to put it down. In addition, he would state to the House, from the reports which he had heard, that the discipline of the Chinese troops, not only under European, but under Chinese officers, was greatly improved, that fewer cruelties were now committed, that cases of plunder were rare, and that the troops were supported by paying for what they obtained from the population. That was a great step in advance, and would go far to show that Captain Sherard Osborn, who was as well known for his humanity as for his gallantry, would introduce great improvements into the Chinese army, and that Her Majesty's Government were deserving of praise, and not blame, for allowing such men to go to China. He might be over sanguine, but looking at what had gradually taken place in China, he had very great hopes. He saw in the distance tranquillity restored; that vast population again engaged in agriculture; the fields teeming with that produce which, once a luxury, had now become a necessity to this country; the canals once more covered with boats; new markets opened to our industry;—and if those hopes should be realized, he believed the policy of Her Majesty's Government would have contributed as much to the general interests of humanity

as to the particular interests of this country.

MR. SEYMOUR FITZGERALD said, they had listened to two very long and important speeches made that evening, and the House must have derived considerable instruction from what had passed. There was not a Member of the House who had listened to the speech of his noble Friend but must have admired the research and knowledge which it evinced, and the clear and lucid way in which a speech of nearly two hours length presented the whole subject to the House, to their great information and instruction. But they might also obtain some information and instruction from the speech of the hon. Gentleman opposite, because he had shown, that after listening to the long and important speech of his noble Friend, he could get up and meet a difficult case, where defence was impossible, by a speech of an hour's duration, which conveyed no information to the House, and touched on no single point which, as an advocate of the Government, he was bound to have noticed. The hon. Gentleman had accused his noble Friend of having made a speech founded on isolated points taken from the blue-book, but those who heard that speech knew well that that was not a fair representation of it. On the contrary, his noble Friend had taken up and attacked the whole course of policy of Her Majesty's Government, and shown that it was systematically contrary to that which they had professed as the only policy upon which we could deal with the Chinese Government, and that it was likely to bring us into collision with vast forces in that distant empire. But the hon. Gentleman contented himself with getting up and making a speech, one half of which was devoted to the abuse of those who were engaged in commercial transactions in China. The hon. Gentleman spoke for nearly an hour, and only once, and that by accident, did the word neutrality drop from his lips. It was two years since the noble Lord at the head of the Foreign Office, speaking in that House, said that the only policy which could be followed with advantage by the Government in dealing with China was a policy of strict neutrality. That declaration of the noble Lord met with the universal acceptance of the House and the sanction of the country. But that policy had been entirely reversed by Her Majesty's Government. The hon. Gentleman had misrepresented in a most wonderful

manner the speech of his noble Friend; for he said that it was now proposed that we should abandon the defence of the treaty ports. But nothing which would give a colour to such a supposition ever fell from his noble Friend. His noble Friend not only admitted that policy, but absolutely insisted on defending the treaty ports. But what his noble Friend pointed out was, that having, with a view to the defence of these ports, adopted the principle of the thirty-mile radius, in concert with the Taeping chiefs, we had engaged in operations beyond that—operations which we were not called upon to undertake, and which seriously compromised our neutrality in China. The effect of that policy upon Ningpo would be best shown by a despatch from Consul Harvey to Sir Frederick Bruce, in which he said—

"We must all be agreed upon the point that the Taipings are essentially a destroying, as we Englishmen are a constructing Power. Let us, therefore, for ever live apart; we are not made, nor can we afford, to breathe the same air, or to mix in congenial pursuits. For my part, let me state that it will be a source of great satisfaction, and, I may add, of pride, in after-time, to think that I have been placed in a position to use my feeble pen, and to have exercised my humble powers (always within the limits of my official duties) in weakening and undermining, as perseveringly and indefatigably as I have been able, the most gigantic imposture and the most blasphemous structure that ever disgraced ancient or modern ages."

Were these the words of the agent of a Government which professed a strict neutrality between two parties? It was perfectly obvious, that within the last two years the policy of Her Majesty's Government, to use the words of the hon. Gentleman, "had altered with events." The policy now pursued by Her Majesty's Government was not for the interest of this country. The evidence which his noble Friend had produced with respect to Ningpo showed some of the most extraordinary conduct on the part of an officer of Her Majesty's Government that could be imagined. The last letter of Captaint Deow the Taeping chiefs contained a passage so remarkable, that though had been quoted by his noble Friend, he could not help calling attention to it again—

"We now inform you that we maintain a perfect neutrality; but if you fire the guns or muskets from the battery or walls opposite the settlement on the advancing Imperialists, thereby endangering the lives of our men and people in the foreign set-



tlement, we shall then feel it our duty to return the fire and bombard the city."

This neutral officer says, "I profess neutrality; but if you venture to pull a trigger in your own defence, we shall bombard the city." What was the consequence? The British poured shot and shell into Ningpo as evidence of their perfect neutrality. The hon. Gentleman had made representations which would mislead the House as to our position with respect to that settlement. He said, "The city is divided into two parts, one occupied by the Chinese population, the other where the traders have taken up their residence with a view to trade." But that was not what was meant by a settlement. What was meant by a settlement was this—it was land positively ceded, within the limits of which British law and not Chinese law, was to have effect. He should like to know at what time British law had been established at Ningpo. At no time had any concession of that kind been made by the Imperial Government of China, and yet Captain Dew said, that if the Taepings allowed a single musket to be fired on a certain portion of the town, the English would fire on the Taepings. It was perfectly clear that the English had no right or title to hold that language; and the use of it reflected very little credit on the discretion of Captain Dew, whatever might be his character for gallantry. The hon. Gentleman had made use of very extraordinary arguments. When they complained of their prompting the Chinese Government to employ foreign forces, he said that in Russia and Turkey foreign forces had been employed, and no objection had been made. But from the peculiar circumstances of China the employment of British officers on one side would be sure to bring us into collision with the other. That was the ground of complaint. One point which his noble Friend dwelt on the hon. Gentleman had studiously avoided a reference to, and that was that the course of policy being pursued was sure, sooner or later, to bring this country into collision with other European Powers who were struggling to establish great and permanent interests in China. His noble Friend pointed out that the policy pursued by Russia for many years had led to the extension of her territory in the Chinese seas, and that the Russians had obtained as the result of that policy a seaboard of 900 miles, approaching within three days' sail of Shanghai with most valuable ports on it. The efforts making by France in

*Mr. Seymour Fitzgerald*

China were well known; and he was convinced that the policy of Her Majesty's Government was such as, sooner or later, would lead to a collision of interests with France and Russia. He begged the House, therefore, to consider in what a position this country might be placed by seeing its trade crippled, by having half the population of China against it, and finding itself led into dangerous complications with European nations having interests in that part of the world. It would be no consolation to be told by the hon. Under Secretary that all that might be true, but that the Imperialists were increasing their revenue and the efficiency of their armies. He was convinced that the old policy of the Government was the true policy—that of neutrality, and he, for one, hoped that it would soon be resumed.

VISCOUNT PALMERSTON: Sir, I have listened with great attention to the very long and, I must say, able speech of the noble Lord who began this discussion. He showed that with the greatest industry he had gone through the details of all the events which have happened in China for several years past; but I own that I was at a loss to understand the conclusion that he wished to draw—that of censure on Her Majesty's Government for the course of policy that they have followed. In the first place, it was rather surprising to hear from a Gentleman on that side of the House such an enthusiastic defence of rebels—to be told that rebellion is so sacred an institution that it is quite culpable in the Government to give any help to a friendly Power to suppress it. These are new doctrines. Does that principle apply to Italy? Are hon. Gentlemen prepared to say that they would apply the same protection to those who have cast off their allegiance to former Governments in Italy which they are prepared to show to these Taepings in China? One principle, I presume is applicable to one country, and another to another. But the main question is, has the policy which Her Majesty's Government has pursued in China been attended with good results? Is it founded in good faith, and is it likely to produce advantage to the country? In years now gone by, though not long gone by, we were perpetually in hostility with the Government of China, hostility of squabbles, of complaints, or with arms. What is the case now? We were then attacked and condemned, and were told, "You are en-

gaged in hostilities with one-third of the human race, you are needlessly risking all the commercial interests of the country by these quarrels and conflicts with the Government of China." We were told to abstain, and let things take their course. Well, the state of things is now altered; these very hostilities which were found fault with have resulted in this, that we are now on the most friendly terms with the Government of China; that we have access to the supreme Government of China, from which we were hitherto debarred by local and provincial authority; and the noble Lord himself has quoted Returns showing the enormous increase of our trade with China during the last three or four years. Compare the state of our commerce with China some years ago, when we were contented with the limited intercourse of the East India Company with one portion of the Chinese Empire; compare that, I say, with the great development now given to industry and commerce over the whole surface of the Chinese Empire. Look at the extension which that commerce, I trust, is destined to receive when, by our friendly assistance, we shall have been enabled to place the internal arrangements of China on a better and more regular footing. A great portion of the noble Lord's speech seemed to me to be high praise of Her Majesty's Government. If I had been listening to any one moving a vote of approbation, I should have expected him to narrate the very things that the noble Lord, in the simplicity of his mind, brought forward as the gravamen of the complaint against the Government. What does he say? He says you are teaching the Chinese Government the arts of Government practised in Europe. You are enabling them to collect their revenue on a systematic principle, and to increase that revenue by the equal way in which the customs duties are levied; you are giving them the means of preserving order in their territory; you are allowing your soldiers and sailors to enter into their service to suppress those disturbances that have laid waste and desolate from time to time the finest portions of that Empire. We admit the charge; and we consider it a great merit in the Government in having done these things and in continuing to do them; and I was surprised and gratified to find that the noble Lord, having bestowed all his industry in the collection of facts to fabricate a grave charge, having come to

curse, was obliged to stay to bless, and having come to lay a charge against the Government, was compelled to state things that I think do infinite credit to them. I hold, that as the Government of China has altered its policy with regard to foreign nations, and with regard to the English nation—as the policy of China is now conducted by Prince Kung and associates equally liberal with himself—as they are prepared to enter into intimate relations with foreigners, instead of, as formerly, keeping them at arm's length and endeavouring to prevent all intercourse with them—as the policy of China is now to encourage commerce, and to endeavour to extend it with the nations of Europe, I say it would be suicidal policy on our part not to endeavour to assist the enlightened Government of China in pursuing that course of policy that they are now prepared to adopt. The noble Lord and the hon. Gentleman say, we admit that you are entitled and indeed bound in duty to defend your treaty ports and to have a radius of thirty miles round them; but one of the great charges made was that we took steps to rescue one of these treaty ports from the hands of the Taepings, who had violently seized and occupied it—I mean Ningpo. If the noble Lord admits that it is our duty to maintain the freedom of those treaty ports, why does he complain that we have employed our officers to rescue the important port of Ningpo from the Taepings? The admission of the noble Lord is an answer to the accusation that he made against us. There is nothing inconsistent with the practice of nations in one friendly Government lending to another officers to drill and instruct their troops, to manage the police of their coasts, and therefore we have done nothing when we authorized the Queen's officers to enter the service of China that has not been done in innumerable instances and in a perfectly justifiable manner. The noble Lord said—and it amused me—that one of the duties of Captain Sherard Osborn would be to destroy pirates; he says that it is not necessary to send a ship of war to do it, for anybody might do it if he meets a pirate on the high seas. Yes, but you must first "bell the cat." It is all very well to say that you are at liberty to destroy any pirate that crosses your path, but the chance is that the pirates destroy you, and that is what is happening on the coast of China. We know that the coast of China is infested by fleets of pirates, some Chinese, some Europeans, who prey

on all the ships of commerce they meet with. There is no use in saying these ships of commerce may destroy pirates. One of the great objects which Captain Sherard Osborn has in view is to sweep these pirates from the water by the squadron under his orders, and to restore security to the commerce of Europe on the coast of China; and I hold that to be a very meritorious occupation. The noble Lord went into a description of the great encroachments that Russia is making upon the coast of China, and he told us that France has also views of ambition in parts of Asia in connection with China, and he says, "I warn you that the course you are pursuing will lead you into conflicts with these two great Powers." But what was the course that he proposed we should follow in order to avoid this possibility of conflict? One course was that which we are pursuing—that is, strengthening the Chinese empire, adding to the revenue of China, and enabling her to provide herself with a better navy and army. That is one method of inspiring other countries with caution as to any future encroachments they may think it desirable to make in China. But what is really the natural inference to be drawn from the warning the noble Lord has given us—that we should retire from China and abandon it to Russia and France. Withdraw your Minister, withdraw your settlements, and withdraw your merchants, because, remember, France and Russia are encroaching in China, and if you are there at the time, you will be in conflict with them; and therefore get out of the way, and allow Russia and France to proceed, because they will be stronger than you, and the only course to avoid the conflict will be to abandon China, to give up your trade and political interest, and everything that you think of real value, to the mercy of those great Powers, and leave China to the future policy of Russia and France. Well, I do not admit at all the wisdom of that policy. I admit it is quite true that Russia may have of late made serious encroachments in the northern provinces of China. It is quite true that France—a Power which has a great tendency to extend itself, has certainly carried her operations into Asia. But, nevertheless, France, and Russia, and England are perfectly agreed, for the present at least, in their policy in regard to China. They all concur in supporting the Imperial Government, and therefore our policy as at present directed has no tendency to bring us into collision with the other Powers.

*Viscount Palmerston*

Our Minister at Peking is on the best possible terms with the representatives of France and Russia, and so far from there being any fear of collision or of any antagonistic policy between the three Powers, I am happy to say that they all concur in feeling that it is their mutual interest to restore, if possible, tranquillity to the interior of China, and to extend the commercial relations of all the countries of Europe with China. I am, therefore, Sir, at a loss to know in what respect we are blamable. In scanning the future the noble Lord anticipates that European wars will arise out of our commercial relations with China. Now, Sir, on the contrary, I think that the policy we are pursuing will open a still larger and more extensive sphere of industry in that quarter of the world. Depend upon it, a country peopled by one can't tell how many hundred millions of men must afford great resources and means of development for trading enterprise. The Chinese are a commercial population, and there is no hostility to the Europeans amongst them as a people. The hostility is confined to a certain number of mandarins, whose interest it is to keep everything that does not actually belong to them out of the field of commerce. That hostility, however, has been swept away. The Chinese Government has been rendered friendly towards us, instead of being hostile; and I have no doubt, that if these internal disorders could be suppressed, and if tranquillity could be restored in the interior of China, we should find in our commercial intercourse with the Chinese an important source of wealth and national prosperity, which could be hardly anticipated even by those who talk so much of the advantages of the suppression of the East India Company, and the enlargement of our commercial relations with China. I trust that by this time next year we shall find the result of that faithful and straightforward and friendly policy which we have adopted towards the Emperor of China; and I am convinced if this House will only agree to await the result of that experience, we shall find, that so far from our deserving the censure of the noble Lord and the hon. Gentlemen opposite, on the contrary, the course which Her Majesty's Government have pursued is eminently advantageous to the country, and deserving of the thanks of Parliament.

MR. LIDDELL said, he was glad to find that an exposition of the policy of the Government had been elicited. But the

noble Viscount, in supporting his own policy, had ingeniously evaded the real question at issue—namely, the effect of the English policy in China at that moment. The effect of the policy of the Government had been to destroy authority in China; but at that time they were attempting, by very doubtful and illegal means, to prop up a Power which they had themselves destroyed—he meant the Imperial Power. Their own envoy at Peking stated that within the last few months the capital was in danger, and that the mandarins were making no effort to defend it, because they relied upon the English troops that were there. Their interference in China was wholly unnecessary, and no Member of the Government had attempted to show that there was any attempt to injure British person or property. That interference was not only unnecessary but most mischievous, inasmuch as it tended to prolong that unhappy struggle, and to teach the Chinese Government to trust to British arms rather than to themselves. The noble Viscount said, that their envoy was acting in concert with the representatives of other foreign Powers at Peking. He did not know how to reconcile that statement with the previous observations of the hon. Gentleman. The hon. Gentleman said, "Never mind what the policy of France and Russia is—there is no analogy between that policy and ours." He believed, if the policy of the Government were continued, that the time would come when China would become a great theatre of political intrigue. The hon. Under Secretary said that the rebellion was waning; but Mr. Oliphant, who accompanied Lord Elgin to Peking in 1858, and had consequently better opportunities for observation, used precisely the same phrase. The value of those prophecies might be judged from the fact that the war was raging with greater vigour than ever, and the richest producing districts in China had fallen into the hands of the rebels, who still continued to hold them. The truth was, that the rebels were gaining, instead of losing, from the want of faith of the Government, who violated their pledge of neutrality. The last accounts from China undoubtedly conveyed that impression. The action of the French contingent in Ningpo tended seriously to injure our trade; and in proof of that they learned by the last mail that a British contingent had been formed to keep in check the action of the French contingent, on account of their lawless acts of

rapine and violence. The first duty of Captain Sherard Osborn would be to control the lawless operations of our French allies. He could not conceive a more difficult position for an English officer, even though he was in the employ of a foreign power. These were some of the complications which the policy of our Government was leading to. He thought, however, that he had detected in the language of the Government that evening some glimmerings, at least, of an intention to retire from the untenable position which they had assumed. The observation that his noble Friend, if he had any cause of complaint, ought to have proposed a vote of censure was a very old argument. The country had, it was true, once declared in favour of the noble Lord upon a Chinese question, but the people were in his favour not because they approved of his policy in China, but because he was defending public servants in that country. Had they understood to what difficulty, embarrassment, and danger the policy of the Government was likely to lead they would have acted in a different manner.

COLONEL SYKES begged to thank the noble Lord opposite for having brought the question forward, and for having in his luminous details testified to the accuracy of almost every statement which he (Colonel Sykes) had made in the House during the last two years in regard to events in China. The noble Viscount was mistaken in supposing that the Tartar Government of China existed in its ancient Imperial power and in that character was entitled to consideration and forbearance. The fact, however, was, that there was no such Government. It was a myth, and had no executive power whatever. There were constantly recurring proofs that the decrees of Prince Kung were not obeyed a hundred li from Peking, and in the provinces persons and property were at the mercy of cruel and rapacious mandarins or the rebels, and at the treaty ports and for a radius of thirty miles around them, the people had to look to the protection of the bayonets of British soldiers. In the districts of China which were nominally under Imperial Government, numerous outbreaks against the authorities were taking place. They were told that on the 4th of January 1863 fifty robbers landed and plundered the custom-house at Swatou, and on the 18th December 1862 pirates landed and burnt the docks and village of Whampoa, near Canton, and the Imperial Government could afford no pro-

tection nor redress. In the neighbourhood of Canton the Imperial Government attempted to tax pork, and the butchers rose and drove the officers out of the place. At Fatsan taxes on bricks caused a rising of the makers, and they also put the tax-gatherers to flight, and many other instances might be named. The drilled Chinese under European officers have been in a state of mutiny half a dozen times; in short, anarchy reigns in China. Where, then, was the Imperial authority? As to the cruelties of executions in China, he held in his hand a statement from an eye-witness at Canton, the editor of the *Friend of China*, who saw ten men executed, one of them being tied to a cross and skinned while alive, the process beginning at the brow and proceeding downwards. And that atrocity was sanctioned by the so-called civilized Government which England was supporting at the expense of her blood and her treasure. It had been alleged by the hon. Under Secretary of State that it was impossible for the British Government to communicate with the Taepings, because the Taepings had no regular Government to communicate with. But the Taepings had occupied nearly one-third of China for thirteen years. Could it then by possibility be true that they had no Government to administer this enormous extent of territory, Mr. Griffiths John, who had visited those called the rebels at their capital of Nankin, which they had held for twelve years, and written an account of what he had observed of their institutions, said there were six administrative boards at Nankin similar to those at Peking. He added, that as the districts were under martial law at present, the civil law was under subordination to the military; but that, of course, when the Taeping authority was firmly established, this state of things would be reversed. But meanwhile there was a Government of the Taepings with which we could have established diplomatic relations. Why, Sir Harry Parkes and most of the Consuls and our naval and military authorities had been in repeated communication with the Taepings, and Sir George Bonham had assured them that the English Government would recognise any chief they might like to set up. The Taepings had custom-houses throughout the territories which they occupied, and a gentleman was with him the other day who told him he had paid these customs duties, and that the Taepings had a regular tariff, a copy of which he (Colonel Sykes) had sent to Earl Russell. The

*Colonel Sykes*

statement, therefore, was unfounded in fact, that the Taepings had not a Government with which diplomatic relations could be established. So far from it, that in all cases where our subordinate officers exacted pledges from the Taepings, they had been scrupulously fulfilled, without an exception. The Taepings themselves had made repeated overtures to us to establish amicable relations with them; in some instances their letters were returned to them unopened, and in all cases we had rejected their friendship. One of the alleged reasons for our conduct was that British persons and property were endangered by the lawlessness of the Taepings, but he (Colonel Sykes) invited the noble Lord at the head of the Government to lay upon the table of the House a single case of injury done to British persons or property with the knowledge of the Taeping Chiefs. They had certainly been made responsible for the plunder of a vessel off Plover Point by the Cantonese Pirates, who held the towns of Chang-soo and Fooshan, on the Yang-tse-Kiang, and they had to make good the plundered property. To save themselves from a future similar infiction, they immediately laid seize to these two towns and took one of them, but the other threw itself under the protection of the Imperialists, and it was saved from capture by the drilled Chinese force under British and other European officers. Another apology for treating the Taepings as brigands and land pirates was, that they caused desolation wherever they moved. No doubt, in fighting for the land they took, there was necessarily desolation; but when once in possession, the ordinary industries of life were encouraged and protected. He (Colonel Sykes) held in his hand the diary of two European agents of the house of Hart & Co., of Ningpo, copy of which he had sent to Earl Russell. They were employed to buy silk in the Taeping provinces, and they made two successful ventures, travelling in the districts for seventy-seven days with entire safety, and meeting with great kindness from the Taeping authorities; and they describe the whole country from Ningpo, until they approached the battle-fields around Shanghai, as in a state of luxuriant cultivation. He would ask, therefore, are these eye-witnesses to be believed, or is the House to pin its faith upon contrary statements in blue-books? The fact is, the British public has not been made acquainted with the whole truth respecting events in China; and he again

thanked the noble Lord (Lord Naas) for his vigorous and successful exposure of the facts illustrative of our policy in China for the last two years.

MR. GREGSON remarked, that the gallant Colonel advocated the cause of the Taepings on all occasions. The fact was, there were faults on both sides in China. No doubt the Imperial Government was imperfect, but it was improving; and he had no doubt that Captain Osborn would soon restore its authority, and put an end to the atrocities hitherto committed. Our merchants were perfectly satisfied with the policy pursued by Her Majesty's Government, and we were never in a better position than at present with respect to China. Compared with former years, our commerce with China had of late years wonderfully increased. China, well governed, would be a source of wealth and prosperity to any country connected with it by the ties of commerce.

MR. WHITESIDE said, that the policy now being pursued by this country in China would rise up again and again against them. What his noble Friend who brought forward the subject objected to was, that they were assuming all the powers of Government in China. Step by step they were undertaking to do that for China which the empire of China ought to do for itself. If their trade were interfered with, it would, of course, be their duty to protect it; but that was quite a different thing from taking upon themselves the collection of the revenues of a country like China, and sending the most distinguished officers of their army to fight her battles, as well as gunboats. The noble Lord at the head of the Government had relied on the fact that trade with China had vastly increased, but his noble Friend (Lord Naas) had pointed out that the great bulk of their trade with China lay in the provinces occupied by the Taepings, and that point had in no way been answered. The Taepings were in possession of a great part of the empire, they were willing to trade with us, and to respect our rights, and it appeared to be an incomprehensible policy to send gunboats and soldiers to a foreign Power to serve against them. Such must be a mischievous and bad policy. The hon. Gentleman the Under Secretary for Foreign Affairs had argued that the policy tended to encourage a liberal party in China; but what, he should like to know, did he mean by a liberal party. Did he mean a Whig party? Did he mean a party of ancient

and respectable Whigs? He said that a new idea was being developed at Pekin, and the Government was being conducted in the most happy manner. If that were so, what need was there for the gunboats? He (Mr. Whiteside) had no hesitation in saying that the present policy would end in an unfortunate result; and he had heard nothing in the course of the discussion to convince him that it was right to send out British officers, to double and treble their pay under a foreign Power, and he should not be surprised to hear the Chancellor of the Exchequer make as eloquent a speech in reprobation of the policy of the Government as he had done on a previous occasion when China was concerned.

Question put, and agreed to.

#### SUPPLY.

SUPPLY considered in Committee.

House resumed.

Committee report Progress; to sit again on Wednesday.

#### FORTIFICATIONS AND WORKS.

##### RESOLUTION.

Considered in Committee.

(In the Committee.)

VISCOUNT PALMERSTON: I rise substantially to move for leave to bring in a Bill, in continuation of the Bill of last year and the year before, for the purpose of authorizing a further issue of terminable annuities, with the view of carrying on those works which have been sanctioned by Parliament for the defence of our dockyards and other stations. The sum which was authorized to be issued last year has not been entirely expended. A sum of about £600,000 is still available, but it will not be sufficient to pay for the amount of work which we may reckon on being done between this time and the month of July in next year. We therefore propose to ask for a further issue of £650,000, which amount, together with the balance now on hand, will enable us to prosecute these works till the end of July 1864, by which time we shall have an opportunity of coming to Parliament for further authority to continue them. I am happy to say that the works in progress have been exceedingly well conducted as far as they go, and will, I think, be found very useful for the defence of the country. Generally speaking, the works which will be found mentioned in the schedule of the Bill are all that have been already sanctioned. But

last year the construction of the forts at Spithead was suspended in consequence of some doubts which then prevailed as to the relative merits of forts and ships. We think, however, that the experience we have derived from the war which is going on in America tends to prove that forts are formidable antagonists to ships; while the progress of the improvements made in cannon in this country also shows that at 600 or 800 yards solid shot and even a shell will pierce vessels constructed like the *Warrior*. The same thing could, I have no doubt, be done at 1,000 yards, and the only reason why it has not been done hitherto is that at Shoeburyness there is not a range of that extent. Arrangements have, however, been recently made to have a range of 1,000 yards, and I feel assured that the progress of improvements will prove that we can penetrate at that distance ships constructed on the principle of the *Warrior*. The proper time to enter into details will come when the Bill and Schedule have been placed in the hands of hon. Members. The Motion which I am about to make being substantially one for leave to bring in a Bill, I should propose that that Bill be read a second time on Thursday next, and we can then take the Committee on the first convenient day. The noble Lord concluded by moving the following Resolution:—

“That, towards providing a further sum for defraying the Expenses of the Construction of Works for the defence of the Royal Dockyards and Arsenals, and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum not exceeding £650,000 be charged upon the Consolidated Fund of the United Kingdom, and that the Commissioners of Her Majesty's Treasury be authorized and empowered to raise the said sum by Annuities, for a term not exceeding thirty years; and that such Annuities shall be charged upon, and be payable out of, the said Consolidated Fund.

MR. SEYMOUR FITZGERALD said, he wished to know whether it was proposed this year to make provision for the construction of a central arsenal which had formed part of the original plan?

VISCOUNT PALMERSTON: We ask for no sum this year for a central arsenal. We are going to pursue the same course as last year.

SIR FREDERIC SMITH said, he did not think that the actions which had taken place in America had at all altered the question of the Spithead forts as it stood last year. In an engagement between forts and ships, if the ships were anchored at a moderate distance, and sup-

posing the forts to be well constructed and heavily armed, and the ships to be well built and heavily armed also, he maintained that the result would always be in favour of the forts. But the proposed forts at Spithead would never prevent a determined officer of the navy from passing them even by daylight; while nobody would contend that ships of war would not pass those forts at night, and take up an anchorage in the Solent, from which they could bombard the dockyard. We had the same power to prevent vessels remaining in the Solent from the shore that we could have from the forts. The forts would add nothing to the strength of the position. They would cost a large sum of money, and only create disappointment. He protested, therefore, against the Vote, and trusted the Government would not press it upon the House. No gun had yet been found which could pierce the *Warrior's* side at 3,000 yards, as they had been told would be the case. He would not oppose those works which were already advanced; but the Committee ought to be distinctly informed which of the works were in a state of progress and which were not.

SIR MORTON PETO said, he did not intend to oppose the introduction of the Bill; but he hoped they would be furnished with ample details of the different works with which the Government proposed to proceed, in the form of a schedule. He could not agree with the noble Lord that the events of the American war had changed the position of the question in regard to the Spithead forts, as it had been shown on several occasions in America that forts were powerless to stop the passage of vessels of war. In the Mississippi ships had been able to pass forts, and at Spithead they would do the same. He trusted the House would assemble on Thursday in sufficient numbers to insure a fair and full discussion of that important subject.

MR. AYTOUN said, he would ask the noble Lord what was the meaning of putting a central arsenal among the objects for which the Resolution was to provide, if in the Committee no Vote was to be taken for the prosecution of that very object?

VISCOUNT PALMERSTON: All I meant to say was, that we do not intend to propose any Vote for it this year.

MR. ALDERMAN SALOMONS said, he knew something of Charleston Harbour, having been there sixty-two years ago.

He was also acquainted with Spithead ; and, speaking simply as a representative of the commercial interest, he must say, he believed that forts were a material means of stopping ships from ascending rivers, and that it was very desirable that our harbours should be well protected by forts.

MR. BERNAL OSBORNE said, he did not intend to oppose the introduction of the Bill, not, however, because he had been convinced by the statement of the noble Lord, but because he despaired, with the elements then composing the House, of being able to resist with success. He was the more confirmed in that opinion by the observations of the hon. Member for Greenwich, who sought to oil the machinery for the proposals of the Government. The worthy Alderman, who had gained his knowledge of Charleston sixty-two years ago, forgot that across that harbour it was possible to lay a boom. With all his knowledge of Portsmouth, would the worthy Alderman tell him that it was possible to lay a boom across Spithead ? There was no similarity between Charleston and Portsmouth. He rejoiced to see the noble Lord once more amongst them—[*Cheers*]—and he should be ready on Thursday to move the same Amendment as was moved last year. There was nothing new to warrant the building of these forts on the Spit; and if the House was at all prepared to maintain its consistency, it could not rescind the decision which it came to last year.

SIR JAMES FERGUSSON said, that although not offering opposition to the measure at this stage, hon. Gentlemen had sought to discredit it in advance. The hon. Member for Liskeard had made a very broad statement, but one, he imagined, without the slightest foundation—namely, that there was no similarity between the harbour of Charleston and Spithead. There was a remarkable similarity between Spithead, as it would be made by the proposals of the Government, and Charleston Harbour, as it existed when it repelled the immense force of the Northern fleet. The report of the Defence Commission recommended, and he presumed the proposals of the Government would follow their suggestion, that the distance between the three chief forts at Spithead should be about 2,000 yards, so that the fire would cross at a distance of about 1,000 yards from each fort. Now, Fort Moultrie and Fort Sumter were just 1,900 yards asunder, and the vessels of the Fe-

deral fleet did not approach so near the forts as to be in a line between them. There had been an extraordinary advance in gunnery since last year. The *Warrior* target had been set on fire in its backing by a Whitworth shell at 800 yards, and artillery officers were of opinion that the same result might be produced at 1,000 yards, whereas last year nothing of the kind had been done at a greater range than 200 yards. It was utterly at variance with the experience of the naval action at Charleston to suppose that no determined officer would be deterred from taking his ship past the Spithead forts when armed with such artillery. The Federal vessels were not, perhaps, as powerful as the vessels of a European power, but they were the best which the Northern arsenals could produce, and in point of guns they were vastly superior to the guns of the forts to which they were opposed, those guns being also very inferior to the guns which would be placed in our forts. There never was an attack upon which a greater stake depended than the attack on Charleston; and the officers conducting it had every motive to do all they could to obtain success.

MR. LYGON said, he wished to ask whether the Government had any information to give the Committee with regard to the material of which the American iron-clad vessels were formed, as it was reported that the plates were only nominally of the same thickness as the plates used in our navy, and instead of being composed of solid iron were made up of several sheets bolted together ?

THE MARQUESS OF HARTINGTON said, it was true that the ships which attacked Charleston were not coated with the same quality of iron as the vessels which would be brought against the forts at Spithead. It was perfectly true they were coated with iron five inches or six inches thick, but formed of plates bolted together, and not solid plates. The difference was immense between the ships of America and the ships which would be brought against the forts of Spithead. At the same time, the artillery brought to bear against the ships at Charleston was very different from that which we could now place in the Spithead forts, and still more inferior to what we might hope to place there in two or three years. He could state from his own personal knowledge that no boom could be placed across Charleston Harbour. Piles were driven in the shoal water, and across



the deep water was carried an obstruction of cordage and net, the object of which was not to present an insuperable bar, but to foul the screws of the vessels and impede their progress. The same floating obstruction could be placed at Portsmouth. The Federal vessels were not stopped by the obstruction, for they never ventured to approach the forts. He did not wish the statement to go forth uncontradicted, that there was a boom at Charleston, as he knew no boom was in existence shortly before, and none could have been in existence at the time of the attack.

SIR JOHN HAY said, there was this difference between Charleston and Portsmouth—Portsmouth dockyard could be bombarded by guns outside the forts altogether, whereas at Charleston the place must first be captured. He had the same objection as last year against forts. They were not movable, and could be of no use against movable ships, unless the ships ran their heads against them. The object of an enemy would be to bombard Portsmouth dockyard, and that could be done easily by vessels at a distance sufficient to prevent their suffering from the fire of the forts. The ships at Charleston were not the best which the Northern arsenals could send out, but only the best which the Northern contractors chose to build, and would bear no comparison with the ships of any European Power. He had no doubt that with guns of long range a ship, remaining at a comparatively safe distance, could throw shells into the dockyard, and he should therefore oppose the second reading of the Bill.

MR. LOCKE said, he had voted all through for the forts, and he intended to vote for them again. They were not pleasant things for an enemy's ship to pass, and with the addition of floating batteries would make a good defence for Portsmouth harbour.

SIR MORTON PETO said, that notwithstanding what had been said, he should maintain that there was no parallel between the harbour of Charleston and Spithead. It would, for instance, be impossible to drive any piles near Spithead.

SIR JAMES FERGUSON observed, that, as a matter of fact, the forts proposed to be built outside Portsmouth were 2,000 yards further out than were the forts outside Charleston.

MR. NEWDEGATE said, he should vote in favour of the proposition of the National Defence Commissioners. Nothing

*The Marquess of Hartington*

could be stronger than the opinion of the naval and military officers appointed to consider the subject in favour of the erection of the forts; and he thought that the House did very wrong last year in neglecting the sea defences of Portsmouth, and securing it from attack on the land side, the effect of which would be to arm Portsmouth against ourselves in case of its being entered by an enemy.

SIR JAMES ELPHINSTONE said, he had always been of opinion that Spithead should be defended by forts, and thought it might be made impregnable by the forts being connected by a line of chains with iron-plated vessels. A slack and taut chain would effectually stop any hostile vessel, because the first would check and the second would stop any vessel that attempted to force its way.

*Resolved,*

That, towards providing a further sum for defraying the Expenses of the Construction of Works for the Defence of the Royal Dockyards and Arsenals, and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum, not exceeding £650,000, be charged upon the Consolidated Fund of the United Kingdom, and that the Commissioners of Her Majesty's Treasury be authorized and empowered to raise the said sum by Annuities, for a term not exceeding thirty years; and that such Annuities shall be charged upon, and be payable out of, the said Consolidated Fund.

*House resumed.*

Resolution to be reported *To-morrow*, at Twelve of the clock.

GREENWICH HOSPITAL (PROVISION  
FOR WIDOWS) BILL.

[BILL 200.] SECOND READING.

Order for Second Reading read.

MR. ADAM expressed his approval of the Bill so far as it went. He only regretted it did not go further. If Sir Charles Napier had not stirred in the matter, they would not have had before them the Report of the Commissioners; and that Report would have been left in abeyance if it had not been for *The Times* newspaper. He had seen many of the evils of the present system when his late father Sir Charles Adam, was Governor of the Hospital. The great evil was the absurd and ridiculous constitution under which it was governed. The Commissioners might be excellent men of business, but they did not live at Greenwich, and only came there about once a week, and could know nothing of the wants of the pensioners. The present distin-

guished Governor of the Hospital was in the same difficulty that his predecessors had been in. It was true, that in the time of Lord Auckland, when the Governor was Sir R. Keats, the latter was consulted, but that good practice had been given up. It might be said, that if the Governor was to be consulted, he would in effect have a seat at the Board, and that he maintained to be the right principle. When the Bill went into Committee he should endeavour to introduce a clause to empower the Commissioners to deal with the 10 *Geo. IV.*, c. 25, so as to alter the constitution of the Hospital.

SIR JOHN HAY said, he was glad to hear that the hon. Gentleman intended to propose an Amendment that would in effect carry out the recommendations of the Commissioners. It had been said that the Admiralty could of its own power remove all existing evils, but the greatest evil was that of the double or treble government, which could only be altered by Act of Parliament. The matters to be dealt with by the Bill did not require the sanction of an Act of Parliament.

MR. LIDDELL said, he also wanted to know what necessity there was for the Bill. The charter provided among other things for the sustentation of widows. He would also like to know what the Admiralty proposed to do with the 144 widows already provided for out of the funds of the Hospital and within its walls?

LORD CLARENCE PAGET said, the object of the Bill was to make permanent provision for widows of seamen killed and drowned, and it was upon the advice of counsel that the Admiralty had thought it best to introduce a Bill for that purpose. As to the second question, he would say that the Bill did not affect the widows within the walls of the Hospital. His hon. Friend seemed to think that a fit opportunity to introduce a clause to make alterations in the government of the Hospital; but in 1861, when a Bill for that purpose was introduced, it was so unfavourably received in the other House that his noble Friend (the Duke of Somerset), as he thought wisely, declined to proceed with it. He would not undertake to say that the government of Greenwich Hospital was perfect; but, notwithstanding all that had been said about the double government, he did hope that in future the Governor and the Commissioners would be able to work amicably together. Perhaps there had been as much fault in individuals as in the

system, and the hon. Gentleman himself said that in the days of Sir R. Keats it had answered well. It might hereafter be the duty of the Government to introduce alterations into the mode of governing the Hospital; but he did not think that it was advisable, in a Bill dealing simply with a provision for widows, to introduce such alterations, and therefore he hoped the Bill would pass without any attempt being made to mix up with it the question of the government of the Hospital.

Bill read 2<sup>o</sup>, and committed for Thursday.

#### GROWING CROPS SEIZURE (IRELAND) BILL.

On Motion of Sir ROBERT PEEL, Bill to amend the Law relating to the Seizure of Growing Crops in Ireland, ordered to be brought in by Sir ROBERT PEEL and Mr. ATTORNEY GENERAL for Ireland.

Bill presented, and read 1<sup>o</sup>. [Bill 211.]

#### INDIA STOCK BILL.

Bill to give further facilities to the Holders of India Stock, presented, and read 1<sup>o</sup>. [Bill 212.]

House adjourned at half after One o'clock.

### HOUSE OF LORDS,

Tuesday, July 7, 1863.

MINUTES.]—SELECT COMMITTEE—Report—on Prison Discipline\* (No. 37).

PUBLIC BILLS—First Reading—Vaccination (Scotland)\* (No. 193); Police and Improvement (Scotland) (Provisional Order)\* (No. 194); Prisons (Ireland)\* (No. 195); Stipendiary Magistrates\* (No. 196).

Second Reading—Statute Law Revision [H.L.] (No. 133); Port Erin Harbour (Isle of Man)\* (No. 169); Pier and Harbour Orders Confirmation\* (No. 164); Militia Ballots Suspension\* (No. 190); Walmer Vesting\* (No. 167).

Report of Select Committee—Drainage and Improvement of Lands (Ireland) Bill\* (Nos. 197 & 198).

Committee—Sheep and Cattle (Scotland)\* (No. 144); Public Works (Manufacturing Districts) (Nos. 179 & 199); Thames Embankment (South Side)\* (No. 162); Passengers Act Amendment\* (No. 163).

Report—Passengers Act Amendment.

Third Reading—Oaths Relief in Criminal Proceedings (Scotland) (No. 72); Mutiny (East India) Act Repeal (No. 153); and severally passed.

#### GREECE.—QUESTION.

THE MARQUESS OF NORMANBY wished to repeat a Question to the noble Earl the

Secretary of State for Foreign Affairs, which he put several weeks ago. He then asked, Whether, with reference to the military insurrection at Athens, and the general anarchy prevailing there, the noble Earl would present to Parliament the Report of our Minister at Athens, Mr. Scarlett, of the 4th of May last, as to the state of that country? It had been alleged that Mr. Scarlett had stated that "anarchy, in its most hideous form, reigns at Athens," and he believed the British Minister had stated, that if the same condition of things continued, the French Minister and himself would be compelled to leave Athens. He should like to know if there was any reason why Parliament should not be put in possession of the opinions of our Minister on this subject?

EARL RUSSELL said, that he would look over the despatches which had been received from Mr. Scarlett, and see whether there were any of them, not included in the papers already before Parliament, which could be produced.

THE MARQUESS OF NORMANBY said, that of course the noble Earl could have no objection to produce in an official form that which was a public act of our Minister, and had been received and replied to by the Government of Greece.

#### STATUTE LAW REVISION BILL—[H.L.]

(NO. 133.) SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR said, that in requesting their Lordships to give the Bill a second reading, he felt it incumbent on him to state that, from its very nature, it must of necessity be accepted by their Lordships on trust, relying on the fidelity, industry, and skill of the persons who had been employed in preparing it. The Bill had been the work of some years. The mere examination of the questionable points had occupied himself and his auxiliaries a considerable time. His only object now was, to give their Lordships a brief account of the system on which they had proceeded, in the hope of engaging their Lordships' confidence and trust in the fidelity and accuracy of the performance. It was his desire, in the first place, that against every enactment proposed to be repealed the reasons for its repeal should be given with some minuteness, in a column furnished for the purpose of affording that information. Such a column had been

inserted. It had been proposed, indeed, before the Committee, to strike out that column; but after the great care and pains which had been taken to examine every part of each statute, which it was proposed to sweep out of the statute book, he trusted that proposal would not be carried into effect. The House would see, by looking over the number of pages in the schedule, and seeing the manner in which the column was worded, how great had been the pains taken to examine every particular of the enactments it was proposed to sweep away from the statute book. The statutes to be repealed consisted of such statutes as were obsolete, such as had expired, and such as had been generated by a state of things and a condition of society which had long passed away. They had accordingly divided in the schedule the enactments which were to be swept away into the general heads of those that had expired, those that were spent, those that had been repealed by the operation of general terms, those that were virtually repealed, those that had been superseded, and those that had become obsolete. The gentlemen who had been engaged in this arduous work, had by his direction, from time to time prepared cases containing statements of any questions or suggestions of doubt which arose in their examination of the statutes; and he held in his hand a *fasciculus* of these papers, which he exhibited, not for the purpose of magnifying the work and labour which had been gone through, but for the purpose of assuring their Lordships that every point, every minute doubt and difficulty had been examined with the greatest care, by himself and the Law Officers. He came to their Lordships with more confidence in the hope that they would accept this large instalment of the revision of the statute law, because in the year 1861 his predecessor in the Great Seal had presented a similar statute, prepared on the footing of an anterior measure, which their Lordships accepted as a small instalment of the work that had yet to be done. In the prosecution of the present work, he and his fellow labourers had founded their proceedings, in a great degree, upon a very remarkable document, which he (the Lord Chancellor) could not help thinking had been prepared under the immediate auspices of Lord Bacon, now in the British Museum—a volume which was referred to in the introduction to the edition of the statutes published by the

Record Commissioners, and which particularized the statutes that had been repealed and had expired from the 3rd Edward I. to the 7th James I. So far as it went, this volume was of great assistance. The manuscripts which had been prepared, in consequence of the original proposal of Lord Chancellor Cranworth in August 1853, had also been followed; and there were some other documents which existed in their Lordships' library, and which had been prepared at their direction for the purpose of expurgating the statute law. He wished to assure their Lordships that no means had been neglected, or labour spared, in order that this extensive sweeping away of what remained on the statute book should be correct and perfect in its details. It was quite impossible that a work of this kind could be done in any other way than this. A further ground of confidence might be derived from the fact that since the passing of the former Act in 1861 no inaccuracy or error had been detected in it.

*Moved*, That the Bill be now read 2<sup>d</sup>.

LORD ST. LEONARDS said, their Lordships, he thought, could have no difficulty in assenting to the proposition of his noble and learned Friend. He fully concurred in the statement that this was a measure precisely of that nature which called upon their Lordships generally to show confidence in those to whom the execution of the work had been confided. Their Lordships, however, were aware that this was a very small instalment of a work which had now been going on for some years for the purpose of preparing an edition of the statutes that were in effective operation. He believed that a codification of our laws was an impracticable object. The decisions of the Judges were what gave the interpretation to the statutes, and so eager were the profession to obtain the last decisions that they were willing to make use of reports by unauthorized reporters because they were published sooner than the regular reports. Any attempt to codify the decision given in the judgments of the Judges was utterly impracticable. The Judges took great pains to give at length the grounds and reasons for the judgments which they pronounced, so as to satisfy all men that their judgment was mature, that it was founded upon authorities, and that it was justified by principles. Any set of men who were competent to revise those judgments, to correct that which was mistaken, and to reconcile that which was

conflicting, would be worthy of seats in their Lordships' House; but he was inclined to think that to embody their mere opinions in an Act of Parliament would not be a satisfactory way to deal with the carefully-prepared judgments of the Judges, and that it would be better to leave the task of revision to the Exchequer Chamber and the appellate jurisdiction of their Lordships' House. As he was one who objected to a code, it was satisfactory to know that there were so many difficulties in the way that they were not likely to have it; but, at the same time, he approved the preparation of a revised and expurgated edition of the statutes.

LORD BROUGHAM said, that any Bill of this nature, embracing a vast number of technical points, and extending over 200 pages, could neither be dealt with in detail by a Select Committee nor by the House itself, but must be taken to a great extent upon trust. All that could be done by their Lordships was to give it a general supervision, and then send it to the other House of Parliament, where he trusted it would be received with equal confidence. To insist on going into every separate provision would only be a roundabout way of refusing to have any revision of the statute book at all. The question was, did they wish for a consolidation of the statute law and a digest or not? He entirely concurred in what had been said with reference to the care taken in the preparation and the ability displayed in the judgment of the Common Law Judges. They had often heard, from no less a man than Jeremy Bentham, that the judgments of our Common Law Courts formed an invaluable repository of the laws of the land, and he could not help thinking that a digest of those judgments showing their application to the different points of law decided, and to the varying circumstances of the cases which had come before the Judges, would be of the greatest possible advantage, not only to the profession, but to the public at large. It was quite a mistake to suppose that the noble and learned Lord had proposed to review the judgments of the Courts; for, of course, that could only be done by the appellate jurisdiction, or by the Legislature. The Commission proposed by his noble and learned Friend would confine its labours to a digest of the matter and substance contained in various bodies of Reports. He hoped that ere long we should have a Department of Justice—a measure

which had been supported by his noble and learned Friend on the Woolsack, and in favour of which a unanimous Vote of the House of Commons had been recorded.

LORD CRANWORTH wished to express not only his concurrence with the Bill, but also a somewhat more confident hope than had been indulged in by his noble and learned Friend (Lord St. Leonard's), as to the completion of this work. There had already, under a Bill introduced by the late Lord Campbell, been a revision of the statutes repealed since 1770. Now it was proposed to deal with all the statutes from Magna Charta down to the reign of James II. There would then remain an interval of only some eighty years to complete the revision of the statutes. It was true that the statutes of those years would not be dealt with quite so easily as those which formed the subject of the present Bill; but he recommended that with regard to these statutes a digest should be commenced such as that which had been set on foot when he was Lord Chancellor. In his opinion, such a digest was an absolutely necessary preliminary to a consolidation of the statute law.

LORD CHELMSFORD agreed in thinking it impossible that a laborious work of this kind could be performed in any other way than that adopted. A former Bill on this subject was referred by the House of Commons to a Select Committee. Of course, at this period of the Session, that would be impossible with regard to this Bill. He suggested that the portions of the Bill in which reasons were given for the proposed repeal of the several statutes should be printed in red ink with a view to facilitate the labours of the House of Commons in dealing with the measure.

THE LORD CHANCELLOR proposed that these Reasons, which it was intended should be ultimately struck out of the Bill, should go down to the House of Commons as part of the measure. With regard to the other part of his plan, he only desired to do that which almost every State in America had already done—namely, to make a digest of the whole of their law, including the law contained in the reports of cases. That work had been the standard law of the land from that time until now, with the approbation of all classes of the community. He was sorry that his noble and learned Friend (Lord St. Leonard's) who had spoken on this part of his scheme had left the House, because he was going to appeal to an authority whom his noble

and learned Friend could hardly dispute—he would appeal from Lord St. Leonard's to Sir Edward Sugden. Sir Edward Sugden had been the great codifier, condenser, and digester of reports on given subjects. In his admirable treatises he had canvassed the decisions and marked the cases that were objectionable and unfit to be cited as law, and the result was that the Judges both in law and equity were in the habit of saying upon the class of cases treated by his noble and learned Friend, "You will find the whole law in Sir Edward Sugden's Treatise." If that had been done with regard to certain subjects, undoubtedly it could be accomplished in an equally satisfactory manner with regard to other subjects by a learned body of men appointed for the purpose.

LORD BROUGHAM, on the part of his noble and learned Friend who had left the House (Lord St. Leonard's), wished to say he was convinced that if his noble and learned Friend were present, he would admit that what he had done was all very well for a text writer. But what his noble and learned Friend on the Woolsack proposed to have produced was an authoritative work, binding on the courts with the force of an Act of Parliament.

Motion agreed to : Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on *Thursday* next.

PUBLIC WORKS (MANUFACTURING  
DISTRICTS) BILL—(No. 179.)  
COMMITTEE.

Order of the Day for the House to be put into a Committee on the said Bill.

THE EARL OF DEBBY : My Lords, I am not disposed in any way to object to this Bill, which I think is founded on a right principle, and is calculated to afford considerable relief in the manufacturing districts. But perhaps I may be allowed to call the attention of the House to the state of affairs which exists in those districts at the present moment, with the view of showing what it is we have to do, and what are the prospects for the coming autumn and winter. From a Report presented to the Central Committee yesterday by Mr. Maclure, the hon. Secretary, it is gratifying to find that there has been a very great increase of employment in the mills during the last month. So great has that increase been that it has enabled no less than forty-seven local committees to suspend operations for the present. From reliable information which

he has received, Mr. Maclure is led to believe, that out of the 55,362 operatives resident in the districts in which committees acted, about 25,690 are working full time and 16,801 short time. In the districts in which local committees are still continuing their labours there are 2,874 more operatives working full time than were so working last month. Mr. Maclure concludes by stating—

“It must not be forgotten that this is in addition to the 13,451 operatives who were reported to have obtained full work during the month of May; and it is now certain, that out of those persons usually employed in the mills in the cotton districts, about 234,642 are in full work, 125,097 short time, and 180,729 out of work, against 192,527 full time, 129,741 short time, and 215,512 out of work in the last week of April.”

Gratifying as this report is, it nevertheless shows that there is a large number of the population still out of employment. It appears that there are no fewer than 180,729 persons at present out of work—a fact which must cause us no little anxiety and apprehension in regard to the coming winter. The House and the country are hardly aware, I think, of the efforts made to relieve the distress during the last twelve months; but, as a circumstance which is highly creditable to the good feeling of the nation, I cannot help calling attention to it. Excluding what has been done by private charity, of which there is no public record, and of which the public never can be fully informed—excluding what has been done by means of those efforts, but including £150,000 spent in the purchase of articles of clothing and food—of relief given in kind—the subscription for the last year amount to £1,900,000. I call your Lordships' attention to these facts in order that you may not be led away with the idea that the large sums now in hand will be more than sufficient, or will be sufficient, for the relief of the distress which is likely to prevail during the next winter. I have reason to believe, that excluding a sum of about £80,000 at the disposal of the Mansion House Committee, there still remains in hand, including subscriptions promised but not yet paid in, available for the purposes of the Central Committee and of those committees depending on it, a sum of about £600,000. It is a great step gained that the amount expended by the relief committees has been reduced from something like £90,000 to £53,000 a month. That is the amount now expended by the various relief committees, exclusive of the

assistance from the poor-houses. If that monthly expenditure were not increased, it would enable us to supply the demand for another twelve months; but at the end of twelve months the funds will in that case be altogether exhausted. I believe we cannot expect the public to make such another effort as that which they made last year, and the resources of the operatives themselves are at present reduced to the lowest point. And, my Lords, I am apprehensive that we cannot take £53,000 per month as the amount which will be required, because there is now very considerable outdoor work, which we cannot expect to see continue during the autumn and winter; besides which there are many mills at work which are not likely to continue working. Therefore, I think the prospect which is before us calls for a very careful husbanding of our resources. Large as the amount on hand may appear, it is hardly adequate to meet the demands which are likely to be made on it; and therefore a Bill like this, which will remove many of the difficulties which we have had in finding employment, in finding occupation for the distressed operatives, and thus guarding against the demoralization that arises from idleness, must be acceptable to those who have taken a part in the administration of relief to our suffering fellow-countrymen. As a general rule, the intervention of the Government, in matters of this kind, may not be considered desirable; but this Bill is an exception which, under the circumstances, demands our approval. There are one or two points on which I may say a word in Committee; but, approving as I do the principle of the Bill, I do not think it necessary to trouble your Lordships with any further observations on the general character of its provisions, or on the circumstances which render it advisable that we should pass such a measure before the coming autumn and winter.

EARL GRANVILLE said, he was glad that his noble Friend had taken that opportunity of making the statement they had just heard with regard to the condition of the distressed districts. The noble Earl deserved the highest admiration for the services he had rendered to the distressed districts in this crisis, and it was most satisfactory to the Government that their Bill should have the support of men like him. There had undoubtedly been considerable improvement in the condition of the people, but still he believed that it

would require great energy on the part of the local authorities to meet the exigencies of the ensuing winter.

House in Committee.

The several clauses of the Bill were agreed to, with little discussion, with Amendments: The Report thereof to be received on *Thursday* next; and Bill to be printed as amended. (No. 199.)

House adjourned at Seven o'clock,  
till To-morrow, half past  
Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, July 7, 1863.*

MINUTES.] — PUBLIC BILLS — *Resolution in Committee reported*—Fortifications and Works — *Bill ordered thereon.*

*Ordered*—Recovery of Church Rates.

*First Reading*—Fortifications (Provision for Expenses)\* [Bill 213]; Metropolitan Main Drainage Extension\* [Bill 215].

*Committee*—Fisheries (Ireland) [Sir Robert Peel] [Bill 137]; Alkali Works Regulation (Lords)\* [Bill 135], *on re-committal.*

*Considered as amended*—Removal of Prisoners (Scotland)\* [Bill 194].

## FORTIFICATIONS AND WORKS.

### REPORT.

*Resolution reported.*

"That, towards providing a further sum for defraying the Expenses of the Construction of Works for the Defence of the Royal Dockyards and Arsenals, and of the Ports of Dover and Portland, and for the creation of a Central Arsenal, a sum, not exceeding £650,000, be charged upon the Consolidated Fund of the United Kingdom, and that the Commissioners of Her Majesty's Treasury be authorized and empowered to raise the said sum by Annuities, for a term not exceeding thirty years; and that such Annuities shall be charged upon, and be payable out of, the said Consolidated Fund."

*Resolution agreed to.*

Bill ordered to be brought in by Mr. MASSEY, Viscount PALMERSTON, and the Marquess of HARTINGTON.

FISHERIES (IRELAND) BILL [Sir ROBERT PEEL]—[Bill 137.]

### COMMITTEE.

Bill considered in Committee (*Progress 3rd July*).

(In the Committee.)

Clause 17 (Additional Licence Duty on fixed Engines).

Clause struck out.

*Earl Granville*

Mr. H. A. BRUCE moved a new clause in lieu thereof—

"The Salmon Fisheries Act shall be construed as if in the Schedule annexed to the Act of the 11th & 12th Vict., c. 92, there had been inserted instead of the Duties therein mentioned the Duties following (that is to say):—

	£
Bag nets . . . . .	10
Fly nets . . . . .	10
Stake nets or stake weirs (Scotch) . .	30
Head weirs . . . . .	6
For every box, crib, cruive, or drum net in any weir for taking salmon or trout	10

SIR HERVEY BRUCE moved to add, at the end of the new clause, "Fly rods £2."

MAJOR GAVIN considered the proposition most objectionable, as far as the public generally was concerned. It might do for the rich, but it would preclude the industrious classes generally from deriving any benefit whatever from it.

Mr. MONSELL said, that this Bill was intended to restore to the public the rights of which they were deprived in 1842—namely, the right of fishing. His hon. Friend the Member for Coleraine (Sir Hervey Bruce) now wished to introduce a provision the effect of which would be to prohibit the public from fishing.

Mr. H. A. BRUCE thought it was only fair that cotmen should pay a licence, as they would derive considerable benefit from the measure.

Mr. M'MAHON said, it was proposed by the hon. Baronet to punish rod-men forthwith for a problematical advantage which they might gain by the Commissioners duly exercising the powers about to be conferred on them. He thought the licence for rod-men should be reduced to 5s.

Mr. HASSARD was of opinion that the maximum sum should be imposed upon those men.

SIR HERVEY BRUCE would be extremely sorry to propose any licence that would press upon the poor man. He should therefore be willing to withdraw his proposition.

Amendment, by leave, *withdrawn*.

Clause K (Additional Licence Duties on fixed Engines) *agreed to*, and added to the Bill.

Mr. W. R. O. GORE, after Clause 17, proposed to insert a clause—

"Magistrates paying licence duty, and being owners of land abutting on rivers or lakes in any district, may act and vote as *ex-officio* Members of any Board of Conservators elected for any sub-district."

Clause L (Magistrates paying Duty to be *ex-officio* Members of Board), *agreed to*, and added to the Bill.

MR. M'MAHON proposed to insert, after Clause 32, new clause (Fixed Engines interfering with Navigation to be deemed Common Nuisances).

MR. H. A. BRUCE said, the clause was unnecessary, inasmuch as one of the objects of the Bill was to declare fixed nets to be a nuisance.

Clause *withdrawn*.

MR. M'MAHON then proposed a new clause (Courts may award Costs, 13 & 14 *Vict.*, c. 88.)

Clause O *agreed to*, and added to the Bill.

SIR EDWARD GROGAN moved a new clause (Exception of Salmon or Trout, caught or kept for certain purposes) —

"Nothing in this Act contained shall apply to any person who shall catch or attempt to catch, or shall have in his possession, any salmon or trout for the purposes of artificial propagation, or other scientific purposes; and nothing in this Act contained shall prejudice the legal right of any owner to take materials from any stream."

Clause H *agreed to*, and added to the Bill.

MR. LEADER moved a clause (Hydraulic Machines), directing the application of a grating to any machine of this description, under a penalty of £50 for each offence, and £5 for each day.

Clause N *agreed to*, and added to the Bill.

LORD NAAS proposed a clause providing that —

"No net shall be used for the capture of salmon or trout in any of the fresh water portions of rivers except by the owner of a several fishing, anything to the contrary notwithstanding contained in any of the acts now in force in Ireland."

MR. MONSELL and Major GAVIN opposed the clause.

MR. H. A. BRUCE considered that the clause would be most unjust towards the general public; and it would be carrying the protection of salmon to a most absurd extent if they were to prohibit all netting in rivers. He hoped the noble Lord would not press the clause.

MR. BERNAL OSBORNE said, that cod-fishing was more destructive to salmon than bag nets, and therefore he was in favour of some provision of the nature proposed by the noble Lord being introduced into the Bill. He would, however, omit

from the clause the exemption in favour of the owner of a several fishing.

MR. BAGWELL said, the clause would have the effect of depriving a large number of people of rights which they had enjoyed for a great number of years.

MR. H. A. BRUCE thought that all those matters ought to be left to the Commissioners, who no doubt would make such regulations as would give satisfaction to all parties concerned.

SIR WILLIAM SOMERVILLE deprecated any measure which would have the effect of abolishing nets altogether.

LORD NAAS said, he would withdraw the clause, but was of opinion that something ought to be done to restrict the rights to which his clause referred.

MR. MONSELL said, he was quite willing that full power should be given to the Commissioners to regulate those rights.

Clause *withdrawn*.

MR. LONGFIELD moved a new clause (Weekly Close Time for Stake Nets, &c.).

Clause—

(In addition to the weekly close time provided by Clause sixteen of this Act, the weekly close season for all stake nets, fly nets, and bag nets shall commence at six of the clock on Friday morning and continue until six of the clock on the following Monday morning,)—(*Mr. Longfield*),

—*brought up*, and read 1°.

MR. H. A. BRUCE said, the proposition of the hon. Gentleman was inconsistent with the principle of the Bill.

SIR WILLIAM SOMERVILLE said, that all other parties, except the owners of stake nets, were called on by this Bill to make concessions. He thought it only right, in order to make the Bill a fair compromise, that the owners of stake nets should make some sacrifice, and therefore he should support the clause; but he should at the same time suggest that the weekly close time should be sixty hours instead of seventy-two. That, he thought, would constitute a fair compromise.

MR. BLAKE and MR. MONSELL opposed the clause.

MAJOR GAVIN thought the Bill would not be a good measure unless every stake net was done away with.

MR. BUTT said, he should oppose the clause. There was a tendency amongst Members to assimilate this Bill by a side-wind to that introduced by the hon. and learned Member for Wexford (Mr. M'Mahon).

COLONEL DICKSON said, that if his hon.



Friend would consent to limit his clause to sixty hours as the weekly close time instead of seventy-two hours, the Committee would agree to it.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided*: — Ayes 32; Noes 27: Majority 5.

Clause F added to the Bill.

SIR HERVEY BRUCE thought that the clause agreed to was so great an innovation of the principle of the Bill, that he should be justified in moving that the Chairman report Progress. In the mean while the Government could consider whether, after this division, they would go on with the Bill.

SIR GEORGE GREY said, that the effect of the Motion would be to throw the Bill over to the next Session.

Motion, by leave, *withdrawn*.

SIR HERVEY BRUCE moved the following clause:—"Provided always, that nothing in this Act shall be construed as applying to bag nets erected and used in the sea before 1848."

Clause *negatived*.

SIR HERVEY BRUCE moved a new clause—

"Provided always that no person or persons having right of fishing in a river shall, under any circumstances, stretch a sweep net entirely across the said river, or have more than one net in the water at the same time; and for every such offence, or either of them, he or they shall, upon conviction, forfeit not more than £50, or less than £10."

MR. H. A. BRUCE opposed the clause, believing that it would be an evasion of the principle already established by law.

MR. HERBERT said, he had given notice of a clause upon this subject, which he should prefer to that of the hon. Baronet. He wished to lay down the principle that no nets should be stretched across a river beyond two-thirds of the width of the said river.

SIR HERVEY BRUCE said, as the Committee appeared to prefer the clause of the hon. Member for Kerry to his, he should, with the leave of the House, withdraw it.

Clause *withdrawn*.

MR. HERBERT then moved a clause—  
(Use of Nets in Rivers.)

No person shall do the following things, or any of them, that is to say—

1. Stretch, shoot, or draw any net across any

part of any river in such a manner as shall be detrimental to the free passage of fish.

2. Shoot or draw any net more than two-thirds across the breadth of a river, such breadth to be measured or taken at the place where the net is used.

3. Make stationary any draft or seine net by any means whatever.

And any person acting in contravention of this section shall incur a penalty not less than two pounds and not exceeding ten pounds, and shall forfeit any net used by him, in contravention of this section; and such net may be seized by any person duly authorized to enforce the provisions of the Salmon Fisheries Acts.

MR. M'MAHON thought the clause involved a principle so important that it should be deferred until the Report was brought up. The clause, as framed, would prevent any second party from stretching a net within 300 yards of another person's net, which he considered would be a monstrous infringement upon the liberty of fishing.

MR. H. A. BRUCE said, the object of his right hon. Friend was to prevent the same person using two nets within a certain distance.

SIR GEORGE GREY suggested that it would be in the power of the Commissioners to regulate those matters, and that any attempt to legislate upon such minute points would be attended with great difficulty.

Clause *withdrawn*.

MR. HERBERT proposed a clause (Restriction of Bag Nets), empowering the Commissioners, under certain circumstances, to allow bag nets to be continued and used for a time not exceeding ten years from passing of the Act.

Clause (Restriction of Bag Nets,)—(*Mr. Herbert*,)—*brought up*, and read 1<sup>o</sup>.

MR. M'MAHON opposed the clause.

Motion made, and Question put, "That the Clause be now read a second time."

The Committee *divided*: — Ayes 21; Noes 54: Majority 33.

MR. BUTT moved a clause granting compensation to the owners of bag nets whose property was damaged by this Bill, in the same manner as compensation was provided under the former Act.

MR. H. A. BRUCE said, it was not proposed to abolish bag nets on the sea coast. The prohibition was only confined to rivers and estuaries. The proposition of his hon. and learned Friend was far too wide, and he felt bound to oppose it.

Clause *negatived*.

MR. BUTT proposed a clause, (Grating to be provided for Watercourses).

MR. SULLIVAN said, if the clause was adopted as it was framed, it would totally destroy the mill-power of Ireland.

Clause *withdrawn*.

MR. H. A. BRUCE moved a Clause P (Construction of Act).

Clause *agreed to*.

MR. H. A. BRUCE proposed a clause G (Alteration of Annual Close Time), by which the annual close time is extended from 124 to 168 days.

Clause *agreed to*.

On Question, that the Preamble be *agreed to*.

MR. BEAMISH wished to express his personal thanks to the hon. Under Secretary for the Home Department (Mr. H. A. Bruce) for the great pains, patience, and ability he had displayed during the progress of the Bill.

LORD NAAS also desired to express his satisfaction at the mode in which the hon. Gentleman conducted this Bill through the House.

Preamble *agreed to*.

House *resumed*.

Bill *reported*; as amended, to be considered on *Thursday*, and to be *printed*. [Bill 214.]

#### THE PATRIOTIC FUND.

##### OBSERVATIONS.

MR. J. A. SMITH, who had given notice of a Motion for a Select Committee to inquire into the past management and present condition of the Patriotic Fund, said, that as there was no likelihood, owing to the state of public business, of his being able to bring his Motion forward at a reasonably early hour, he would postpone it until a future day. A meeting of the Royal Commissioners was about to be held at which he understood the matters which he intended to bring under the consideration of the House would be investigated, and he hoped that his Motion would come on for discussion subsequently to that meeting.

#### ELECTRIC TELEGRAPH THROUGH PERSIA.—QUESTION.

COLONEL SYKES said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether there is a new Convention for the construction of the Electric Tele-

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graph through Persia, drawn out by Mr. Eastwick, Chargé d'Affairs at Teheran, on the 17th December 1862; and whether there would be any objection to lay a Copy of the same upon the table of the House?

MR. LAYARD said, there was a new Convention, but it had not yet been signed. When signed, there would be no objection to lay it on the table.

#### EPPING FOREST—FORESTAL RIGHTS. QUESTION.

MR. TORRENS said, he wished to ask the Secretary to the Treasury, Whether the consent of Her Majesty, signified in writing under the Royal Sign Manual, in conformance with Section 5 of cap. 56 of the Act 16 & 17 *Vict.* has been obtained for the sale of the Forestal Rights of the Crown over the southern and northern portions of the Forest of Epping, which are authorized to be sold by the two Treasury Warrants particularized in page 122 of Appendix to the Report from the Select Committee on Royal Forests, dated 9th June 1863; and, if such written consent has been obtained, whether there will be any objection to laying a copy of it on the table of the House?

MR. PEEL, in reply, said, where an undisputed forestal right was to be sold there was no occasion for the consent of Her Majesty under the Sign Manual. The warrant of the Treasury was sufficient. In the case referred to the thing sold was recognised as undisputed forestal right.

#### THE RIVER GODAVERY.

##### QUESTION.

MR. J. B. SMITH said, he would beg to ask the Secretary of State for India, Whether he has received any communications respecting the progress of the opening out of the river Godavery since the date of the last published Correspondence laid before Parliament—namely, May 2, 1862; and, if so, whether he will lay the same upon the table of the House?

SIR CHARLES WOOD: No Report has been received since the date mentioned.

#### MR. ROEBUCK AND THE EMPEROR OF THE FRENCH.—OBSERVATIONS.

MR. SOMERSET BEAUMONT said, he had placed a Notice on the Paper to ask the hon. Member for Sheffield, Whether the conference in the Palace of Fontainebleau, which took place on Tuesday, the 30th of June, was recorded by any

memorandum made on the same or the following day; and if so, to ask the hon. Member and the hon. Member for Sunderland whether (having regard to the assertion in reference to that conference which the French Government has thought fit to insert in *The Moniteur*), they would have any objection to lay it upon the table of the House. He had just received a private communication from the hon. Member for Sheffield, in which he stated that he should not be in the House in time to answer the Question; but that all the evidence in his hands would be adduced on the occasion of a future discussion.

#### OFFICE OF WORKS.—RESOLUTION.

MR. BAILLIE COCHRANE said, he rose to move the following Resolution:—

"That the large sums annually voted for Public Buildings and Improvements in the Metropolis are not expended in a satisfactory manner; and that, with a view to the efficiency of the Office of Works, it should be constituted on a different basis."

He thought the circumstance that there had been so many discussions on the subject of Public Works during the Session, instead of being a reason why such a Resolution should not be moved, was, on the contrary, a reason why the House should pass a Resolution indicating strongly their opinion with respect to the manner in which those works were conducted. It was very hard that the House of Commons should be charged with the faults that had been found with the architecture of the metropolis. That that charge was unfounded, was, he thought, shown by the vote which had been given the other night as to the purchase of the structure at South Kensington. The country were, he thought, much indebted to the House for their vote that the South Kensington building should not be kept to be a disgrace to the country; for if, unfortunately, it had become the property of the country, instead of being "a joy for ever," it would have proved an incubus for ever. When first he put his Notice on the paper, he intended to end it at the first clause, "That the large sums annually voted for Public Buildings and improvements in the metropolis are not expended in a satisfactory manner;" but everybody asked him what was the use of stopping at a truism of that kind, for everybody knew that the money was not spent in a satisfactory manner. He therefore felt it necessary to make an addition, in order to induce Her Majesty's

*Mr. Somerset Beaumont*

Government, after the Resolution was carried—as he hoped and trusted that it would be—to see during the recess in what way the Office of Works could be modified so as more adequately to represent and carry out the requirements and interests of the metropolis. A short time ago he had the honour of addressing the House on the subject of public works, and some of his friends told him that he had exhausted the case. But he had done nothing of the kind, for he should be able to prove the truth of his proposition without trenching on what he had stated on the former occasions. He would begin with Burlington House. It was purchased by the Government in 1852 for a sum of £160,000. In 1855, 1856, and 1857—in nearly every year since 1852—Her Majesty's Government had been asked by Members of that House what they intended to do with Burlington House. The same question was put to his right hon. Friend the First Commissioner of Works the other day, and he made a very mild joke about it. He rather turned it off; and the other night the right hon. Gentleman the Chancellor of the Exchequer, when the same question was put to him, replied, "Wait till you come to a decision about the building at South Kensington, and then I will tell you what we will do with Burlington House." The grounds of Burlington House were now turned into a kind of practice ground for Volunteers, who threw up earthworks and carried on a kind of mimic warfare on a small scale. The house itself had been taken possession of by the Geological Society and some other societies, and the property was entirely lost to the country. Leaving Burlington House, he would next turn to the National Gallery and the Royal Academy. In 1848 there was a discussion in that House on the subject of the National Gallery and the Royal Academy, and the result of an investigation by a Select Committee was that the two institutions should be separated. This was repeated in 1856 by a Select Committee, and again in 1857 by a Royal Commission. The right hon. Gentleman the Member for Bucks (Mr. Disraeli), then Chancellor of the Exchequer, in 1859 congratulated the country, in the course of his able speech, on the circumstance that the two institutions were to be separated. [See 3 *Hansard*, clii. 182.] What occurred in 1860? His right hon. Friend (Mr. Cowper) came down to the House and moved a Vote of £15,000 or £16,000

to improve the National Gallery. He also talked about getting up a magnificent facade, and of buying up the workhouse in the rear for the purpose of enlarging the building. The money was voted and spent in improving the Royal Academy and the National Gallery. Now, he understood, the Royal Academy was to be removed. If that were so, this sum of £18,000 would be entirely lost; while the National Gallery, if it was to remain where it now stood, was positively injured by the alterations that had been made. All these difficulties and inconsistencies arose from the constant change of the First Commissioner of Works, the average tenure of office of each person holding the appointment not being two years. The consequence was that new Commissioners were constantly coming into office and overthrowing what had been done by their predecessors. He now came to a very strange case, that fully illustrated his proposition. A very large sum of money was voted for the Duke of Wellington's funeral. After payment of all expenses a balance of £25,000 or £30,000 remained in the hands of the Government, and it was determined to erect a monument to the Duke in St. Paul's. But from that day to this they had heard nothing of the monument, and what had become of the money he knew not. It was not his intention to cast blame on any particular Commissioner of Works, and he believed that his right hon. Friend opposite (Mr. Cowper) was anxious to discharge his duty as efficiently as possible;—what he blamed was the system. With regard to the Foreign Office, there was in 1838 the decision of a Committee that that building was not adequate for its purpose, and not even safe. Twenty-five years had since elapsed, and not a stone of any new Foreign Office had yet been laid; and yet what money had been squandered on plans and Commissions. For the Houses of Parliament the first estimate was £700,000, and very nearly £3,000,000 had been expended. What an unfavourable opinion many hon. Members entertained of the building they all knew. The hon. Member for the Tower Hamlets (Mr. Ayrton) had said that it was a disgrace to the country; and the hon. Baronet the Member for Buckingham (Sir Harry Verney) declared that there were so many draughts in the House that he could not come down to it without putting on a pair of worsted stockings. The Record Office was incomplete, and was not to be completed, he understood;

and the records of the country were heaped up in old cellars and musty rooms not safe against fire. With respect to the War Office, a Select Committee had expressed the opinion that it should be placed in the neighbourhood of that House; the passages were so dark and intricate that no one could find his way through them—the reason the War Office was kept in Pall Mall was that the Secretary and Under Secretaries had agreeable apartments overlooking the Park. Under the present system there was a great waste of the public money, without any satisfactory result. He now came to one case which he believed would astonish the House. It was mentioned on a previous occasion by an hon. Member, and a more curious specimen of the mismanagement of public money he had never heard of. It appeared that it was proposed to place a floating light on the Little Basses Rocks, Ceylon, and the hon. Member to whom he alluded stated—

“These rocks were in the direct line of the steamers between Point de Galle and Madras, and as early as 1826 it was represented to the Government that they ought to be lighted. In 1848 the Government made up their minds to do something, and wrote to Ceylon for advice how light-houses could be erected. Six years afterwards, in 1854, they got Reports showing that floating lights were impracticable, and strongly recommending the building of light-houses on both the Basses Rocks for the estimated sum of £4,500. In 1855 Parliament voted £3,000; in 1856 £17,000, and £8,000 for a steamer to carry the materials; in 1857, £8,000; in 1858, £10,000; and in 1859, £10,000; making a total of 54,000, for which there was never any other estimate than the one of £4,500. Even now the light-houses were not put up, and he saw them on the wharf at Point de Galle. In 1860 they were told that they could not put up a light-house, and that they must have a floating light, which was in the first instance condemned. Accordingly, in 1861 the House voted 8,000, and in 1862, £2,000 more for a floating light. The money was not expended, and now they were asked to vote £8,000.”

[3 *Hansard*, clxxi. 551.]

The whole of the sums made up a total of £80,000 voted for these lights, of which £54,000 was entirely wasted. Surely this was trifling with the public. On another point he must do his right hon. Friend justice. His right hon. Friend had not been quite satisfied with what he (Mr. Cochrane) had stated on a former occasion as to the Serpentine; and they had since driven together to see the fountains. Certainly the fountains were playing that day, and the water was pretty clear. But he was forced to say that the only things he really admired were the water lilies. The water in the Serpentine was perfectly

green; and if the right hon. Gentleman's friend bathed in the Serpentine, all he could say was, that if he took the colour of the water, he must come out very green. With respect to the monolith, they put a jet costing £300 eight feet above the level of the water. Next, as to the land sold at Carlton Gardens. He understood that land at Carlton Gardens had been sold for one-third of its value. Why had that property been so sold? He thought he was justified in making this Motion on the authority of the noble Lord at the head of the Government, and he could not for the life of him understand how the noble Lord could vote against the Resolution. The noble Lord had recently stated that the great commerce and population of the metropolis had tended to impair its architectural and ornamental character. "Our streets," he said, "are narrow, our open spaces few and small, our public buildings not showy. What is the reason of the inferiority of this city as compared with other first-rate towns in regard to the conditions of the space occupied and the character of the buildings?" His (Mr. Cochrane's) answer was, that the inferiority was owing to the organization of the Office of Works. Then again the Chancellor of the Exchequer said the other night, "For a long time it has been observed, and with rare unanimity, that every possible evil of vacillation, uncertainty, delay, expense, and many others that I need not now repeat, attend our method of management of those great questions of public works." ["Order!"]

MR. SPEAKER said, the hon. Member was not in order in quoting extracts from speeches in a past debate.

MR. BAILLIE COCHRANE said, he was sorry he was out of order. There would at least be no objection to his citing the opinion of a great and influential journal, whose articles on matters of taste were generally very just and accurate. *The Times* lately said—

"It is impossible to point to any public building which answers its purpose and satisfies the public. We possess many buildings which have their merits, and which, for our part, we cherish as monuments of taste and skill; but, for one reason or another, they are more or less costly failures, and so confessed to be. If they are not, the British people are a very complaining, unthankful race."

Were they to go on for ever in this way, year after year, doing nothing but discussing the subject, and thereby self-humiliating themselves before the world? Were

*Mr. Baillie Cochrane*

no steps to be taken to remedy the existing evils? Did the House know that nearly a million of money passed every year through the Office of Works? Since 1848 no less a sum than three millions sterling had been expended on arts and sciences, and the only return they had for it were "The Brompton Boilers," the National Gallery, and the additions to the British Museum—nothing else. It was not for him to say what should be done. The hon. Member for Finsbury (Sir Morton Peto) had proposed that the First Commissioner should, as in France, be surrounded by a body of practical advisers. Had such a system been in operation, he did not believe that the scene of Thursday last would have been possible. Either the Council would have appreciated the objections to the building, or they would have recommended the purchase with such authority that it would have been at once agreed to. He thought he had proved his case, and had shown that something ought to be done, and he believed that the only remedy now was a strong Resolution of that House, such as that which he now begged to submit.

MR. FERRAND seconded the Motion.

Motion made, and Question proposed,

"That the large sums annually voted for Public Buildings and Improvements in the Metropolis are not expended in a satisfactory manner; and that, with a view to the efficiency of the Office of Works, it should be constituted on a different basis."—(*Mr. Baillie Cochrane.*)

MR. COWPER said, his hon. Friend was well known as a man of cultivated taste, and no doubt it was painful to him to see in the metropolis so many buildings which offended his fastidiousness. He wished, however, that his hon. Friend had taken a little more trouble to inquire into the cause of what distressed him. No doubt there were short-comings attributable to the existing Office of Works, but it was not responsible for many things that had been laid to its charge; and it was rather curious that all the instances which the hon. Member had cited to show the mismanagement of the Department, were cases for which it was not answerable. With regard to Burlington House, the original purchase money was £140,000: the purchase was completed in 1854; and, instead of being of no use, it had been very serviceable in accommodating various learned bodies, such as the Royal Society, the Senate of the University of London, the Chymical and Linnean So-

cieties, and others, and in relieving Somerset House, which had previously been inconveniently occupied by those societies. If it had depended only on the Office of Works, the National Gallery would already have been erected on the site of Burlington Gardens; but the action of the Department depended on other and wider considerations. As to the National Gallery, it was certainly not a building to be proud of, but the Office of Works had had little little discretion in its construction. He might, perhaps, be permitted to say that with regard to that building the original fault was in spending too little money for such a building in such a position. The Government of the day were so economical that they first proposed to build the Gallery for £50,000. The Commission had recommended the use of stucco; but the then Secretary to the Treasury, Lord Monteagle, persuaded the House to add to the Vote the cost of stone. There could be no doubt, that a building of such a character in such a situation should have been more liberally treated. The hon. Gentleman had used Buckingham Palace to attack the Office of Works, but the Surveyor of Works had declared, in 1839, that Mr. Nash received his orders, not from the Office of Works, but from the Sovereign himself, or from the Treasury. His hon. Friend was at such a loss for materials for his Bill of indictment against the Department that he actually went to the Basses Rocks for a grievance, forgetting that it was the Board of Trade and the Admiralty which had jurisdiction over light-houses, and not the office of Works. The sale of land at Carlton Gardens was equally beyond the scope of his Department. The only accusations which at all came near them was as to the water in the Serpentine; and even there, if weeds would grow, he did not see how he could keep the water clean. He did not feel bound to stand up for the architectural features of the metropolis, but still it contained many satisfactory buildings. Where, for instance, was there a more handsome building than Somerset House? The Mint, Custom-house, Post Office, and Museum of Geology, were simple and substantial structures, very suitable for the purposes for which they were intended. His hon. Friend had included in his Motion the improvements in the metropolis; and had asked what improvements had been made? He (Mr. Cowper) might point to Craubourne Street, New Oxford

Street, and the thoroughfares recently provided in connection with the Embankment of the Thames. But the hon. Gentleman had completely failed in showing the slightest connection between the complaints he had made and the constitution of the Office of Works. The hon. Member had not sufficiently considered what the Office of Works was. In early times it was a subordinate Board, consisting of architects. At one period it was composed of Sir Christopher Wren, Sir John Vanbrugh, a master mason, and a master carpenter. For a long time its powers were very limited. The Board, for example, could not expend £500 without the authority of the Lord Chamberlain; nor £1,000 without the sanction of the Treasury. In 1813 a public inquiry led to the appointment of General Stephenson as head of the Board and the responsible accountant. In 1832, for the first time, the office of Works was put under the control of a Minister of the Crown, and then matters were somewhat improved. Still, the system of a Board was not found to work well, and in 1851 the present constitution was adopted. The business of the Office was to maintain and repair about 120 buildings in England and 24 in Scotland. There were 17 parks and gardens to be looked after, and there were 80 post offices and 41 probate registries also to be kept up. Those were duties in the ordinary routine of the Office. The Office was likewise required, when any new and important improvements were contemplated, to prepare estimates and information for the guidance of Government and Parliament; and when the works were actually agreed upon, to select the architects, make the contracts, and see that no unnecessary expense was incurred. He ventured to say that there was no Office under the Crown conducted on a better method, with more accuracy, or with more efficiency. The system of accounts was generally acknowledged to be admirable, and the permanent officers were efficient. The Secretary was a permanent officer; Mr. Austin had managed the finances in a satisfactory manner; the consulting surveyor, Mr. Hunt, was thoroughly up to his business; and, besides the architect, the permanent staff comprised seven assistant surveyors, fifteen clerks of the works, and four superintendents of parks. But the assistance at the disposal of the office was not confined to the regular staff, for whenever there was occasion, the highest professional

lent was sought for. At this moment, Mr. Scott was building a new Foreign Office, while the completion of the Houses of Parliament had been intrusted to the hands of Mr. Edwin Barry. Mr. Fowler was frequently consulted as an engineer, and on questions of landscape gardening the office had recourse to Mr. Nesfield, who, with rare disinterestedness, had given his services gratuitously. When the decay of the stone of the Houses of Parliament was under consideration, the office consulted Professor Faraday, Sir Roderick Murchison, and a commission of eminent geologists and chemists. In like manner, Professor Airey, had given his opinion on the clock and bells. The hon. Member wanted to make the head of the Office a permanent officer, and for that proposal he had the sanction of the Committee of 1860; but, it would be a retrograde movement, reducing the Office to the subordinate position it occupied before 1832. As long as the heads of the Treasury changed, no advantage could be derived from making the First Commissioner a permanent officer. The recommendation of the Committee was that the head of the Office should be permanent; and that the Department should be represented in Parliament by a sort of talking Minister. That experiment had recently been tried and had broken down in France, and he believed it would not be tolerated a single day in this country. How would hon. Members like to have their questions answered by a Minister who had no control over the Department which he represented, and for the doings of which he could not be held responsible? The alternative of a Board was also objectionable. Such a Board as the hon. Gentleman shadowed out—consisting of men of taste, science, and art—would not be a really effective administrative body—it would probably degenerate into a debating club. One reason why so many questions connected with the public offices remained in abeyance, was because they had had so many Committees and Commissions, entertaining such conflicting views that the Government of the day could not act upon their recommendations. The delays in regard to the Foreign Office were partly attributable to the Committees, five in number, which had sat upon that subject. Four Committees and two Commissions had sat upon the National Gallery; and with respect to the British Museum, he forgot how

*Mr. Cooper*

many Committees and Commissions there had been. The House would make a great mistake if it agreed either to alter the constitution of the Office of Works, or to relegate it to a subordinate position, when it would be without any one directly to represent it in Parliament. In fact, the latter course would be quite unconstitutional. Every Department intrusted with the expenditure of public money must be represented either by its head or by its Secretary in that House. [An hon. MEMBER: The Office of Woods is not.] The Office of Woods did not come within the category to which he referred, because it did not expend, but only received, public money, and, like the other Revenue Departments, it was responsible to the Treasury. It would be inexpedient to weaken the authority of the Office of Works. The great misfortune of all these questions in relation to architecture and the promotion of the arts was, that there had been a want of authority in the Government to deal with them. They had been made the battle-field of rival pretenders to taste, and of antagonistic schools of art; and, instead of being grappled with seriously, they had been impeded and postponed by individual differences of opinion. In place, therefore, of going back in the direction suggested by the hon. Member, it would be better to strengthen and give more authority to the Office of Works. It might, indeed, be an advantage to the occupant of that office if permanence of tenure were added to its other attractions, and he was not liable to be displaced through the vicissitudes of political parties. But the House ought not to part with that influence and control over a Department intrusted with a large public expenditure to which it was legitimately entitled. Although, then, the hon. Gentleman had criticised some portion of the architectural performances of the Government in past days, he had not proved that there was any flaw in the constitution of the Office of Works, as it had existed since 1851, and therefore the House would do well not to sanction this Motion.

Question put.

The House divided:—Ayes 24; Noes 116: Majority 92.

#### RECOVERY OF CHURCH RATES.

LEAVE.

LORD ALFRED CHURCHILL rose to move for leave to bring in a Bill to amend the law relating to the recovery of church

rates. The noble Lord said, it would be in the recollection of the House, that before the second reading of the Bill brought in by the hon. Baronet the Member for Tavistock (Sir J. Trelawny) for the abolition of church rates, he had given notice of Amendments to be moved in Committee, which he had not an opportunity of bringing forward, the Bill having been thrown out on the second reading. He had been advised to place his Amendments before the House in a more substantive form, and he had done so in the Bill which he now asked the House to allow him to introduce. The principle he wished to establish was this—that no penalty should henceforth attach to the non-payment of church rates, leaving the machinery for making and levying the rates as it at present existed. This Bill would, therefore, repeal all forms of levying a distress on any individual who might object to the payment of church rates, from any motive whatever. It might be said, this would amount to the abolition of church rates; but he did not think so. The parishioners would still meet in vestry and agree or not, just as at present, to a church rate. The whole principle of the connection between Church and State and the parochial system of self-government would still be preserved; but the Dissenter who objected to the payment of church rates would not have a penalty enforced against him. He believed as much money would thus be collected as at present, while the invidious system of "ticketing" Dissenters would not raise a barrier against their return to the Church. The system he recommended was already in operation and fast extending itself in all well regulated parishes. He did not, of course, anticipate that any progress would be made in the discussion of the measure this Session; but it might be quietly and dispassionately considered during the recess, and, if re-introduced next year, might form the basis of a settlement which would meet the views of moderate men, who did not wish that a question so deeply affecting the interests of the Church of England should be made the pack-fox, to be perpetually hunted from side to side. He begged to move for leave to bring in the Bill.

MR. J. C. EWART seconded the Motion.

MR. NEWDEGATE said, he did not wish to interfere with the attempt of the noble Lord to settle the question of church rates, but he was afraid he could not give him much hope of success in ab-

rogating all penalties in cases where parties refused to pay. He could not consent to the establishment of a principle which would deprive the parishioners of the means of recovering church rates, because it would be depriving them of the right of recovering that which was a charge upon property. He had always advocated the right of the parishioners to deal with that portion of the charge upon property, and could not consent to any measure which would deprive them of that right.

SIR GEORGE GREY said, his noble Friend did not ask the House now to assent to the principle of the Bill. In assenting to its introduction no Member would be held committed to the principle of the measure. His noble Friend only wished that the Bill should be laid on the table for consideration during the recess, and on the understanding that the Bill was not to proceed further this Session he should not object to its introduction.

Motion agreed to.

Bill to amend the Law relating to the Recovery of Church Rates, *ordered to be brought in by Lord ALFRED CHURCHILL and Mr. JOSEPH EWART.*

AZEEM JAH.

NAWAB OF THE CARNATIC.

SELECT COMMITTEE MOVED FOR.

SIR FITZROY KELLY: \* I feel that I shall not in vain solicit the attention and the indulgence of the House, when I state that the Motion which I have to make, for a Select Committee to inquire into the claims of His Highness Azeem Jah to the title and dignity of Nawab of the Carnatic, involves at once the honour of the Crown and the good faith of the country. In 1801 a treaty, which I shall satisfy the House is now binding upon Her Majesty the Queen, was entered into between the East India Company, then the rulers of India, and Azeem-ul-Dowlah, under which that Prince was recognised as Nawab of the Carnatic; and His Highness granted and made over to the Company the entire administration of the civil and military affairs of the Carnatic, with the collection of its revenues, saving and reserving to the Nawab one-fifth of the amount, or about £116,000 a year, for the maintenance of his dignity, and the support of his family and dependents. The alliance between the Company and the Princes of this house had been cemented



and established by many previous treaties, and the Nawabs had from the earliest period of the modern history of Hindostan been ever found among the most faithful and effective of the allies of England. In 1749 Anwar-ood-Deen fell gallantly fighting side by side, with British soldiers, against the French, at the age of 104. His son and successor, Mahomet Ali, better known as Wallah Jah, throughout his reign, which lasted till 1795, stood by and supported the Company in all their long and sanguinary conflicts with the French, with Hyder Ali, and with Tippoo Sahib. Omdul-Omrah, his son, was also the faithful ally of the Company until his death, in 1801. At that period the Company, who had for a quarter of a century struggled to obtain the command of the civil and military resources of the Carnatic—and who had now, with the powerful aid of this line of princes, overcome their enemies, and established peace throughout the Peninsula of India—thought this a fitting opportunity to obtain their long desired object. The Nawab had left a son, Ali Houssain, upon whose legitimacy some doubt existed, or was suggested by the Company themselves, and to him they proposed the cession, virtually, of the Government of the Carnatic, by transferring to them the administration of its affairs and the collection of its revenues. The offer was unhesitatingly and peremptorily refused by Ali Houssain; but the nephew of Omdul, Azeem-ul-Dowlah, was prevailed upon to grant all that was demanded by the Company, upon the condition that he should be recognised as the Nawab of the Carnatic, with the reservation of the one-fifth of its revenues; and the treaty of the 31st of July 1801 was made. He died in 1819, and was succeeded by his eldest son, Azeem Jah, upon whose right of succession under the treaty no question was raised by the Government of India. In 1825 his son, then in his minority, Mahomed Ghouse Khan at once succeeded him without opposition, and without question. Throughout his minority, his uncle Azeem Jah, the Prince who now appeals to this House, assumed the office of guardian to his nephew, and was treated as such, and as presumptive heir to the Nawabship, by the Company and their officers throughout the Carnatic, until the death of Mahomed in 1855. Then, for the first time, the East India Company refused to fulfil the treaty, and to recognise the title of Azeem Jah to the succession, and declared that the treaty

existed for the life only of Azeem-ul-Dowlah. I have now to call the attention of the House to the language of this treaty. It is insisted by the Government that it endured only for the life of Azeem-ul-Dowlah; that his successors, for two or three generations, were recognised only as matter of grace and favour; and that it is now competent to them to consider the treaty at an end, and to degrade the hereditary Prince Azeem Jah to the condition of a subject and a dependent upon their bounty; but to retain to themselves the exclusive dominion of the Carnatic, its civil and military resources, and its revenues. I, on the other hand, have to submit to the House that the treaty is binding, as well on the British Government as on the Nawabs of the Carnatic, for all time to come; but that if it be otherwise, and if the treaty expired upon the death of Azeem-ul-Dowlah in 1819, although the Queen, who has assumed the rights and the position of the East India Company, may, as matter of policy, refuse to recognise Prince Azeem Jah, or any other particular individual as Nawab of the Carnatic, Her Majesty has ceased to possess the rights conveyed to the Company under the treaty over the subjects, or the affairs, or the resources, or the revenues of that country. And now for the treaty itself. It is entitled “A Treaty with Azeem-ul-Dowlah, 1801”—

“Treaty for settling the Succession to the Soubahdarry of the Territories of Arcot, and for vesting the Administration of the Civil and Military Government of the Carnatic Pagan Ghaut, in the United Company of Merchants trading to the East Indies.”

“Whereas the several treaties which have been concluded between the United Company of Merchants of England trading to the East Indies, and their Highnesses heretofore Nabobs of the Carnatic, have been intended to cement and identify the interests of the contracting parties; and whereas, in conformity to the spirit of the alliance, the said Company did, by the treaty concluded on the 12th July 1792, with the late Nabob, Wallah Jah, relinquish extensive pecuniary advantages, acquired by the previous Treaty of 1787, with the view and on the consideration of establishing a more adequate security for the interests of the British Government in the Carnatic; and whereas subsequent experience has proved that the intention of the contracting parties has not been fulfilled by the provisions of any of the treaties heretofore concluded between them; and whereas the Musnud of the Soubahdarry of Arcot having become vacant, the Prince Azeem-ul-Dowlah Bahadoor has been established by the English East India Company in the rank, property, and possessions of his ancestors, heretofore Nawabs of the Carnatic; and whereas the said Company and his Highness the said Prince

Azeem-ul-Dowlah Bahadoor have judged it expedient that additional provisions should at this time be made for the purpose of supplying the defects of all former engagements, and of establishing the connection between the said contracting parties on a permanent basis of security, in all times to come; wherefore the following treaty is now established and concluded by Edward Lord Clive, by and with the sanction and authority of the Marquess Wellesley, K. P., Governor General, on behalf of the said United Company on the one part, and his Highness the Nawab Azeem-ul-Dowlah, on his own behalf, on the other part, for settling the succession to the Soubahdarry of the territories of Arcot, and for vesting the administration of the Civil and Military Government of the Carnatic in the United Company of Merchants of England trading to the East Indies.

Article I. The Nawab Azeem-ul-Dowlah Bahadoor is hereby formally established in the state and rank, with the dignities dependent thereon, of his ancestors, heretofore Nawabs of the Carnatic, and the possession thereof is hereby guaranteed by the Honourable East India Company to his said Highness Azeem-ul-Dowlah Bahadoor, who has accordingly succeeded to the Soubahdarry of the territories of Arcot.

"Article II. Such parts of the treaties heretofore concluded between the said East India Company and their Highnesses heretofore Nawabs of the Carnatic, as are calculated to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties, are hereby renewed and confirmed, and accordingly, the friends and enemies of either are the friends and enemies of both parties."

It will be observed, in the first place, that this is a treaty for settling the succession to the Soubahdarry of Arcot, and for vesting the administration of the civil and military government of the Carnatic in the Company. I would ask if this be consistent with a treaty to expire with the life of a man who might have died the next day or the next hour? The settling of the succession in the Nawab, and the vesting of the administration of the Carnatic in the Company, are equally, and in the same language, and to the same effect, provided for by the treaty. Was the succession to cease, and the Government of the Carnatic to continue against the will of the Nawabs, and at the pleasure of the Company? Again, the Prince is established "in the rank, property, and possessions of his ancestors, heretofore Nawabs of the Carnatic." Does that indicate a temporary, or an hereditary succession? The treaty is made "to establish the connection between the contracting parties on a permanent basis of security in all times to come." Is, then, the treaty to last in all times to come, in favour and for the benefit of the Company, but to cease to the prejudice of the Prince, with his life? In the first article the Nawab

is established "in the state, rank, and dignities of his ancestors;" and in Article 2, to which I entreat special attention, it is expressly provided that "such parts of former treaties as are calculated to strengthen the alliance, to cement the friendship, and to identify the interests of the contracting parties, are renewed and confirmed." Now, it is essential to observe what former treaties, and with what effect, are hereby confirmed. And first, by the Treaty of 1768, reciting that the Emperor Shah Allum had granted to Wallah Jah, his eldest son, and their heirs for ever, the government of the Carnatic, the East India Company, in conjunction with the Nawab, agrees with the Soubah of the Deccan that the Nawab Wallah Jah, his son, and their heirs, in succession, shall enjoy for ever the government of the Carnatic. This treaty being confirmed and incorporated with the Treaty of 1801, how can it be said that the Company had not recognised the hereditary right of the heirs and successors of Wallah Jah to the Government of this country? Then again, by the Treaty of 1787, the company and Wallah Jah, for himself, his heirs and successors, to place the defence and protection of the Carnatic on a solid and lasting foundation, agree that certain forts shall be placed in the hands of the Company, large subsidies paid to them, certain of the revenues consigned to them, and that for the satisfaction of the Nawab, his heirs and successors, an account shall be annually furnished. In 1792 another treaty by the Nawab in his own name, and for himself and his successors, to which Omdul-ul-Omrah was a party, binding also his own heirs, from the beginning to the end imports endurance and perpetuity. These treaties, then, being all made part of the Treaty of 1801, it becomes impossible for this country or the Crown to contend that the contract with the Nawab was otherwise than hereditary and perpetual. Then by the Treaty of 1801 itself, in Article 4, the administration of the civil and military governments of all the territories and dependencies of the Carnatic are for ever vested in the Company; and by Article 5, one-fifth part of the revenues of the Carnatic are to be annually allotted for the maintenance and support of the Nawab and his family. And now it is contended that the grant of the Carnatic and its resources and revenues to the Company is perpetual, but the reservation of the one-fifth of the revenues to the Nawab ex-

pires with his life. No Parliament, no court of law, no man of honour and intelligence, no tribunal on the face of the earth can maintain so dishonest, so senseless, so impossible a construction. But let us see how this treaty was considered, what interpretation was put on it by the highest authorities of Great Britain on the one side, and of India and its Princes on the other, at the time and after the time when the treaty was made. Upon the accession of the Nawab in 1801 a proclamation was issued by the Company in which His Highness the Nawab Azeem-ul-Dowlah is said to have

"succeeded to the hereditary rights of his father, and by the full acknowledgment of the Honourable Company, to the possession of the said Musnud, that their mutual engagements are unconditional, and liable to no change whatever; and that they shall last as long as the sun and moon shall endure."

The barons, noblemen, grandees, and great officers of state are required to yield due obedience to the Company "by virtue of the rights and powers acquired to the said Company by compact with the present lawful Nawab of the Carnatic." So by a declaration, Fort St. George, 1801, to the native courts of Hyderabad and Poonah, and to the Governors of Bombay and Ceylon—

"His Highness Prince Azeem-ul-Dowlah having entered into engagements for the express purpose of reviving the alliance between the Company and his illustrious ancestors, the British Government has now resolved on supporting and establishing the hereditary pretensions of the Prince."

Lord Clive himself, then Governor of Madras, on the 18th December 1801, addressing the members of the family of the Nawab, said, "that the new arrangement was made to preserve to that respectable family its ancient rank among the princes of Hindostan;" and also, "that His Highness succeeded to the rights of his illustrious ancestors, heretofore the Nawabs of the Carnatic;" adding, "and it is my especial duty to resist every attempt to violate the principles of the alliance now firmly and perpetually established." And Lord Clive again, in 1803, recorded in a minute of his office, that—

"An arrangement was therein proposed for their consideration, intended to secure to his Highness and his family the honours and immunities enjoyed by his predecessors, heretofore Nawabs of the Carnatic, under provisions of public treaties."

But one of the most remarkable proofs of the hereditary character and effect of this treaty is afforded by the fact, that the

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Prince having addressed an autograph letter to George III., in which he expressly states, "In virtue of my right of inheritance derived from my grandfather and father, the Company were pleased to install me in the Musnud of the Carnatic." His Majesty King George III. replied—

"We congratulate your Highness on your accession to the Musnud of your ancestors. Your Highness may be assured that we shall seize every occasion of affording you proofs of regard, and of continuing to your Highness, and to your family, our special friendship and protection."

It is little to add that that Prince addressed most of the Native Powers of India with whom he had ever been in communication, informing them that he had succeeded by hereditary right and title, to the rank and the dominions of his ancestors; and the East India Company, by every public act and declaration, affirmed this view and interpretation of the treaty, and of the relation subsisting between them and the Nawab, until in our own times, to the dishonour and discredit of the Government of England, the treaty was repudiated or perverted from its real effect, and the claim was made to retain all that was granted to great Britain, and to withhold and to confiscate all that belonged and was reserved to the Princes of the Carnatic. But it was not only at the time of the treaty, but when the Musnud descended upon the issue of Azeem-ul-Dowlah, that the Company continued to recognise the perpetual operation of the treaty. In 1819, Azeem-Jah, the eldest son of Azeem-ul-Dowlah, was proclaimed as his successor in the rank and title of Nawab and Subahdar of the Carnatic, and he was informed by the Government of India that "a new treaty was unnecessary, as the Governor General considered his Highness to be *ipso facto* a party to the treaty concluded with his father in 1801." If this be so with the eldest son, upon what conceivable pretence can it be alleged that the second son, upon the death of the eldest and his issue, is not likewise *ipso facto* a party to that treaty? The Governor of Madras addressed the son of Azeem-ul-Dowlah in these words—

"It is with infinite satisfaction I have the honour to congratulate your Highness upon ascending the Musnud in the direct line of succession to your late father, of blessed memory."

Sir Thomas Munro, the Governor of Madras, some time afterwards, in a Government minute declares—

"By the 10th article the rank of the Nawab, as a Prince, and as an ally of the British Govern-

ment is declared. No change in the political situation of the Nawab has taken place since 1801. He is still Prince of the Carnatic, and he is a party to the treaty, by which one-fifth part of the revenue is secured to him. Without a breach of the treaty we cannot, except with his consent, alter any one of the articles. The Nawab is still Prince of the Carnatic, and reserves in that capacity one-fifth of the net revenue."

The acts of the State upon the death of Azeem Jah, which took place in 1825, are quite conclusive to this effect. They announced—

"His Highness Gholam Mahomed Ghouse, only son of His Highness Azeem Jah Bahadour, was on the 22nd September 1825 proclaimed successor to his deceased father in the rank and title of Nawab Soubadhar. During the minority of the Nawab the affairs of the Durbar will be conducted by His Highness Azeem Jah Bahadour, brother of the late Nawab, with the title of Naib-i-Mooktar (Regent)."

Again, in a letter from the Court of Directors of the 14th January 1829: "The Nawab being an infant, and in declining health, and the Naib-i-Mooktar being next heir, in case of his demise," and so forth. And in July 1829 the Directors expressed their approval of certain proceedings "on the ground of the Naib-i-Mooktar being the next heir, in the case of the decease of his nephew Mahomed Ghouse Khan." And, indeed, as late as 1843 the Marquess of Tweeddale writes upon some question of precedence that had arisen—

"His Lordship in Council observes that His Highness Azeem Jah Bahadour does not hold the place in list No. 1, to which he is entitled in consideration of the position he legally occupied in communication with the British Government, and of that he still holds in relation to His Highness the Nawab, and to his succession to the Musnud."

It is impossible, after the publication to the world of these acts of state and solemn declarations, for the Government of this country to contend that the treaty expired with the life of Azeem-ul-Dowlah. If we can imagine for a moment a treaty in such terms between England and Russia, or England and France, or England and the United States, what Member of this House, what gentleman in all England, will step forward and say that the Government would dare to contend that the treaty was perpetual as to all that it conferred upon this country, but that it expired with the life of the reigning Sovereign of France, or of Russia, or with the Presidency of the President of the United States? If therefore, the treaty ceased with the life of Azeem-ul-Dowlah, when and how did Great Britain become possessed of the civil and military resources, and of the

revenues of the Carnatic? But the late East India Company took a different and a strange view of the effect of this treaty. In 1855, without cause assigned, without explanation, they rejected the claim of the Prince to be recognised as Nawab of the Carnatic; for two years they left him without an answer to his application, and at length insulted him with an offer of £10,000 a year, upon condition that he would submit to a degradation from his princely rank and become one of the millions of the subjects of the British Crown in India. This offer was afterwards increased to £15,000 a year; but it also was rejected, with that respect, indeed, with which the princes of this race have ever addressed the representatives of the British Crown, but with the indignation becoming an independent Sovereign upon such an occasion. This unfortunate Prince is thus reduced to indigence and to dependence, and unable to obtain justice at the hands of the Company, and I lament to add, of the Crown; he appeals to the last tribunal existing under the Constitution—the British House of Commons. The question under the treaty of 1801 was whether it was binding on the East India Company during the life only of the party to the treaty, Azeem-ul-Dowlah, or during the lives of his successors; and if a Committee were granted, I should satisfy them that if it expired with Azeem-ul-Dowlah in 1819 as far as the provisions for his benefit were concerned, it also expired at the same time as far as regarded the benefits derived under it by the East India Company. If the right of the family to the Nawabship had ceased on his death in 1819, so likewise did the right of the Company to the revenues of the Carnatic; and the Government had no more claim to them and to the administration of the country than the Emperor of China, or any other foreign Sovereign. I have carefully considered the numerous minutes and papers, which, though never communicated to the Prince, have at last been laid upon the table of this House; but I have been unable to find a single statement or argument in support of the refusal to recognise the rights of this family. The grounds, whatever they may have been, on which the Government of India have based their unworthy and dishonest policy in reference to the Nawab, have never been made known to that Prince. He has been treated with cold indifference, and with contemptuous silence. He is utterly igno-

rant to this hour of the reasons alleged for the degradation to which he has been subjected. It may, indeed, be said that the existence of these nominal and unreal sovereignties in India is contrary to the policy which has been adopted by our Government there, and perhaps occasionally to some extent approved by the Parliament of this country; and I do not deny that much inconvenience may result from the existence of a Prince with a court, and family, and retinue, above and beyond the law, in the midst of a great native population, subject to the dominion of the British Crown. I cannot, however, admit that the first principles of justice and of international good faith are to be sacrificed to any considerations of policy or of expediency; but I do not hesitate to say, although I have no direct authority from the Nawab of the Carnatic, that I am persuaded His Highness would be ready to agree to any arrangement with the British Crown, consistent with his honour and his dignity, under which his family and dependants might be brought at once within the protection and under the control of the law. Then it has been said that proofs have been found to exist of some correspondence, mis-called treasonable, between the father, or the grandfather, or the great-grandfather of the Nawab, and Tippoo Sahib; but I utterly deny the truth of these allegations, and am ready to submit the charge to the most searching investigation; and the more so, that no impartial writer upon the events of that period has been found to support these unworthy accusations on the part of the East India Company. Mr. Mill, in his history of India, expressly says—

“Not only does this evidence afford no proof of a criminal correspondence with Tippoo on the part of the Nawab, but the total inability of the English to procure further evidence, with all the records of the Mysore Government in their hands, and all the living agents of it within their absolute power, is a proof to the contrary; since it is not credible that the criminal correspondence should have existed and not have left more traces of itself.”

But that I would not detain the House, I could confirm this remarkable historical statement by the testimony of all the highest officers of the Crown, or the Company in India, from the beginning to the end of the eventful reigns of Hyder Ali and Tippoo Sahib. And even if it were true, that at this remote period the ancestors of the Prince had been unfaithful to the British cause, is their offence to be visited, at the distance

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of more than half a century, upon their unoffending descendants? So it has been insinuated, rather than asserted, that the Prince has led an immoral or a discreditable domestic life. He denies the charge; and he is ready to meet it, here or elsewhere, by whomsoever preferred, and by whatever evidence it may be sought to be supported. I have little more to say. The Prince appeals from the injustice or the malice of his enemies, to the testimony of his fellow-countrymen and his neighbours, who have been witnesses to the fidelity with which, in the most trying times, and especially during the late mutiny, he has adhered with spotless honour and unswerving good faith to his engagements with the British Government, and to the British Crown. His case is supported by Petitions in his favour from tens of thousands of his countrymen, at Madras and elsewhere in the Carnatic. He appeals with confidence to this House, to the Crown, and to the country, and I trust that his appeal will not be made in vain. I beg to move—

“That a Select Committee be appointed, to inquire into the claims of His Highness Azeem Jah to the title and dignity of Nawab of the Carnatic; and otherwise in respect of the Treaty entered into between His Highness's father Azeem-ul-Dowlah and the East India Company, on the 31st day of July, 1801, and the circumstances attending the same.”

MR. SMOLLETT rose to second the Motion, and said that in this case the East India Company had been guilty of an act of gross political turpitude.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after  
Eight o'clock.

## HOUSE OF LORDS,

*Wednesday, July 8, 1863.*

Their Lordships met; and having gone through the Business on the Paper, without Debate,

House adjourned at One o'clock,  
till To-morrow, half-past  
Ten o'clock.

## HOUSE OF COMMONS,

Wednesday, July 8, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Railway Bills (No. 2) [Bill 216]; Promissory Notes and Bills of Exchange\* [Bill 128]; Sydney Branch Mint\* [Bill 217].

*Second Reading*—Poisoned Grain, &c. Prohibition [Bill 121]; Anchors and Chain Cables [Bill 95]; Waywardens' Contracts\* (*Lords*) [Bill 205]; Metropolitan Main Drainage Extension\* [Bill 215]; India Stock\* [Bill 212]; Growing Crops Seizure (Ireland)\* [Bill 211].

*Committee*—Navy Prize Agents, &c.\* [Bill 147], on re-committal; Alkali Works Regulation (*Lords*)\* [Bill 135], on re-committal.

*Report*—Navy Prize Agents\* [Bill 219]; Alkali Works Regulation (*Lords*)\* [Bill 220].

*Considered as amended*—Misappropriation by Servants\* [Bill 193].

*Third Reading*—Removal of Prisoners (Scotland)\* [Bill 194]; Public Works and Fisheries Acts Amendment\* [Bill 198]; Duchy of Cornwall Management (1863) (*Lords*)\* [Bill 182]; and severally passed.

*Withdrawn*—Casual Poor (Metropolis) [Bill 155]; Domestic Servants and Apprentices Protection [Bill 168]; Railway Bills [Bill 6]; Judgments Law Amendment (Ireland) [Mr. White-side]\* [Bill 71].

## POISONED GRAIN, &amp;c. PROHIBITION BILL.

[BILL 121.] SECOND READING.

Order for Second Reading read.

MR. PAULL, in moving that the Bill be now read a second time, said, it was unnecessary to remind hon. Members that the mission of birds was of the utmost utility, and that their destruction was exceedingly injurious, both to vegetation and to agriculture. He trusted also to be able to prove that the means used by some persons to destroy birds by poisoned wheat, &c., was highly dangerous to society at large. The value of small birds to the agriculturist was well understood in France and Germany, where a war of extermination against them had been too long carried on. In France, in consequence of petitions from the agriculturists, the French Senate appointed a Commission to inquire into the utility of small birds and the danger of destroying them. The Commission instituted a minute and scientific inquiry, and made a report to the French Senate, which occupied from thirty to forty octavo pages. In Germany, also, inquiries were made which showed the great injury caused to vegetation by the extermination of small birds. He would first show, as briefly as possible, how enormous was the increase of insect life in countries where birds were exter-

minated, and at what cost steps were then taken to reduce the amount of insect life. He would then point out the means which he proposed to take for the preservation of small birds. It was not his intention to interfere with the Game Laws, or to make them more stringent. It was solely in the interest of the farmers themselves, and of agriculture, that he asked the House to prevent the indiscriminate slaughter of birds not now protected by law. In the Report presented by the French Commission in 1861 it was stated that in the vine-growing communes of France during ten years (1828-37) the loss from the ravages of the caterpillar was estimated at £852,000. The value of the cereals destroyed in only one of the eastern departments of France in a single year was estimated at £160,000. An interesting article on destructive insects and the immense utility of birds appeared in the *Journal of the Royal Agricultural Society*, vol. xxiii., published last year. This article contains extracts from a work by M. Tschudi, President of the Agricultural Society at Canton St. Gall, Switzerland, in which it was stated that some of the Governments of Germany expended several thousand thalers annually for the destruction of caterpillars. In one year an area of 860 acres of fir forest was entirely stripped of its leaves by the caterpillars of the *Noctue*, and the Government paid more than 1,000 thalers for the destruction of 94,000,000 of the above dangerous insects. In Franconia the caterpillars during 1839 devoured the produce of 2,200 acres of Government forest. The facts proved that the aggregation of small birds was invaluable for the destruction of mischievous insects. A calculation had been made of the different orders of birds—namely, those which were insectivorous and those which consumed grain and vegetables. In Germany and Switzerland—and the calculation would apply to England—there were about 150 species, and only one-twelfth of the number were purely granivorous. All the rest consumed insects. He had now shown the great increase of insect life where birds were destroyed. The destruction of small birds abroad was much to be lamented. In one day in Lombardy 15,000 birds were captured, and in one district, on the shores of the Lago Maggiore, between 60,000 and 70,000 small birds were annually destroyed. It might be said that English sportsmen were not addicted to the destruction of small birds like the sportsmen of other countries. Nevertheless the fact was un-

doubted that the destruction of small birds was going on at a very alarming rate in this country. He had received numerous letters on this subject. A country clergyman stated that a birdcatcher estimated that 13,848 goldfinches were annually sent from Worthing alone. He had received letters from various parts of the country complaining of the great destruction of birds that was going on, and the injury caused to gardens from this cause. Some years ago in Hampshire a war of extermination was waged against them, and rookeries were destroyed. The natural consequence soon showed itself, in such an increase of various hurtful insects, and especially of the cockchafer (which is three years in the grub state, and all that time does an immense amount of injury to the roots of grass and corn), that women and children were employed to follow the plough, to pick up these grubs which the rooks would have devoured had they not been murdered. This practical proof of their utility opened the eyes of the Hampshire farmers, and rookeries were again established, and rooks protected. The same thing happened in America, where at one time the State offered rewards for their destruction, and in consequence they so much decreased, and noxious insects so greatly increased, as to induce the State to offer a counter reward for their protection. Sparrow clubs were established throughout the country, which offered prizes for the destruction of sparrows; and it was stated in a letter which appeared in one of the journals, that three or four sportsmen belonging to a single Sparrow Club had destroyed nearly 13,000 birds in a single year. Now, in dealing with this subject, he wished to avoid interfering in the slightest degree with the interests and practices of agriculturists. He knew that farmers had long been in the habit of using some description of brine for destroying the ova and smut that might attach themselves to the seed of cereals and to the crops in the course of growth. Of late years, however, a system of using poisoned wheat had been introduced. He need scarcely point out the danger of the indiscriminate sale of an article which would cause almost immediate death on the part of the animals eating it; and if those animals were good for food, the analytical chemist would tell them it was impossible to say where the injury would stop—it was impossible to say whether the lives of those persons or animals who might eat these poisoned birds would not

be endangered. He had received a letter from the hon. Member for Hereford (Colonel Clifford), who was unable to be in his place, and which, with the permission of the House, he would read—

"I am very sorry that I cannot be in my place on Wednesday to support your Bill for the prohibition of poisoned grain." My own experience leads me to believe that such an enactment is become necessary. In my neighbourhood a substance is sold by the grocers under the name of 'Crow fig,' and warranted to the farmers to be quite harmless to everything but crows and rooks, and I know of my own personal knowledge that they so consider it, with what degree of truth you may imagine. It is composed of strychnine, and I have seen its effects upon my pigeons as well as on a large rookery. My attention was first called to the matter by the complaints of my keeper; and I saw one morning a year ago eight or ten pigeons drop down dead while flying from the field where they had picked up the grain, a distance of less than half a mile. On the same occasion some pigs were poisoned by picking up and devouring the pigeons. The use of this substance has nothing whatever to do with the preparation of the grain for sowing. It is intended and used solely for the purpose of destroying the birds. The mode of using it is to mix it with a small quantity of grain, and after the field is sown and harrowed this is sown broadcast, not, of course, in large quantities, but over portions of the field. The use of it is now denied, at least by my own tenants; but of its having been used even this spring by some of my neighbours I am quite positive, and in one instance could mark the field where it has been put, and of which a dead pig was the result. I really hope you will succeed in getting an Act passed to put a stop to so dangerous a practice."

He would now read a letter addressed to him by Mr. Henry Bowden, a magistrate for the county of Derby, who said—

"I see that you intend to bring in a Bill to prohibit the use and sale of poisoned grain. There are two such flagrant cases in this neighbourhood I think it right to acquaint you of them, as it will strengthen your case in some degree. A large tenant farmer under the Duke of Devonshire in the parish of Staveley for several years has used poisoned grain (strychnine, I believe), and the destruction of life has been enormous. This spring a tenant of mine has lost a valuable cote of pigeons; only last week thirty young ones were starved to death, the old ones being poisoned by feeding on the farm above-mentioned. A rookery of mine has also been destroyed by the same means, and I have reason to believe a pig has been killed by eating the poisoned birds. Mr. Whitehead, who lives at Romeley Hall, near the farm, tells me nearly all his partridges are poisoned and his keeper has picked up bushels of wood pigeons, rooks, &c. Small birds in hundreds have been gathered in the neighbourhood, and I am only surprised no one has been poisoned by cooking and eating the dead pigeons found all over the neighbourhood. Three or four dove-cotes have been completely destroyed. A tenant under the Ven. Arondeacon Hill has also followed the example of his neighbour, and of course the destruction has become greater. I hope some means may be found to put a stop to such outrageous conduct."

He had received a vast number of letters to a similar effect. He believed it to be incontestable that poisoned grain was now in common use. The poisons used for dressing grain were of the strongest and most deadly kind—Strychnine, coculus indicus, and arsenic, were the poisons most generally used. He had taken pains to inquire what were the necessary materials for dressing seed wheat, so that it might be prepared for sowing without interfering with the legitimate occupations of agriculture. Not being himself competent to form a judgment on this subject, he had consulted some large practical farmers, and, among others, Mr. Lawes of Hertfordshire, who employed an analytical chemist. He stated that it was only of late years that wheat and other grain had been prepared with poisonous materials in order to protect them from insects; but he said that he had found lime just as effectual to secure that object, and that it would not do any injury to the birds. He was informed that blue vitriol or sulphate of copper was used with perfect success for the prevention of smut in wheat; it was a simple and economical preservative, and did not affect the germination of the seed, or injure poultry or birds of any kind. Mr. C. Randell, of Chadbury, near Evesham, said in regard to the merits of blue vitriol—

“It is perfectly effectual, very economical, dries so quickly that it does not clog in drilling, will not affect the germination of the seed, if, from unfavourable weather, it cannot be used at the time intended, for, after being turned over, it will keep good for any length of time, and it will not injure poultry or birds of any kind. The proportion is 1 lb. blue vitriol, dissolved in one gallon of warm water, to four bushels of wheat. In this proportion it is simply thrown over a heap of wheat, which is then turned, so as to be wetted equally, and left till next morning; or, if wanted to use at short notice, it will dry sufficiently to drill in three hours. Arsenic formerly was much used, but is in every way objectionable. The danger is obvious enough; in addition to which, if the wheat cannot be sown in three days after the application of arsenic, it is useless—a very large portion will not vegetate. Nothing but good can result from the operation of a measure prohibiting the use of poisons for dressing seed corn; they are not necessary for the purpose, and there is no advantage to be derived from the use of them in this way which may not be obtained otherwise.”

He had endeavoured to make the Bill as stringent as possible, believing that no man had a right to protect himself to the injury and detriment of his neighbour. At the same time, such measures must be allowed to produce their effects gradually. He was

told that the Bill as it stood would injure the trade of the chemists, and in deference to the representations made to him he proposed to introduce certain Amendments in Committee. If the House would give the Bill a second reading, he proposed to go into Committee to-morrow, when he would move that certain Amendments be printed, in order to the re-committal of the Bill at some future day. The Amendments which he proposed to introduce, while expressly prohibiting the use of poisoned grain—that was, grain so steeped in poison as to render it dangerous generally to men and animals—would except all solutions for dressing sheep, or for preparing seed for *bona fide* agricultural uses. The use of poisoned grain was so common that hawkers might be found all about the country with strings of birds around their necks, and selling for a penny packages of poison enough to kill a whole village. But it was not small birds only that were destroyed. In Scotland colley dogs had been poisoned by eating the small birds which they had found. There was danger even in laying poison in guarded places. A gentleman had written to him to say, that having employed poison to kill rats which infested his house, a sow and some small pigs were poisoned, and on examining the sow the half-digested remains of portions of rats were found in her stomach. He submitted that he had shown that the utility of small birds was now recognised in England. In countries abroad they were taking every precaution for the preservation and protection of those birds, while we were allowing every person to kill and exterminate them in every way. It was with the purpose of protecting these useful creatures and preventing their wholesale destruction that he introduced the present measure, to the second reading of which he now asked the House to assent.

MR. C. FORSTER seconded the Motion, and trusted that the Amendments which were to be introduced would remove any objections to the measure which might be entertained, and induce the right hon. Gentleman the Home Secretary to give his support to the Bill. There was one objection to the measure, on the ground of its supposed interference with farming. But he had received numerous letters from farmers, who assured him that the use of any poisons for dressing wheat or other grain was wholly unnecessary, and that preparing the seed with blue vitriol and such preparations would be quite sufficient for all purposes. The better class of



farmers entirely repudiated the cruel practice of destroying birds by poison, though it was very much resorted to by others, who used poisoned wheat merely to save themselves trouble, without reflecting on the dangerous consequences of such a practice. He had received a letter from a gentleman who had exerted himself very much to stop the practice, and he stated that the practice had become worse, and that he had been speaking to farmers who had been used to employ boys to mind their fields; but they told him that poisoned grain was more effectual for their purpose, and that it killed the rooks better. He thought they were justified in asking the House to follow the example which had been set by France and other countries. It was admitted that these small creatures played an important part in the economy of nature, that they gave more than they took, and that if these humble instruments of Providence were destroyed, much of the food upon which our fellow-countrymen depend would be destroyed likewise. But apart from these economical considerations, on the ground of the public safety and welfare he thought that the House should at once assent to the second reading. It might be true that a man had a right to lay poison on his own grounds; but that right should be governed by the principle that we should so enjoy the things of this life as not to interfere with the rights of others. In some places entire rookeries had been laid waste, and he would ask those who contended for the right of a man to lay poison upon his own grounds, what right had any one to destroy those birds which were appointed by Providence to preserve the food of others. When they were told that game thus destroyed was sold and found its way to the tables perhaps of the rich, he would ask, was it not time for the House to interfere? He was prepared to give his assent to the Motion, and he hoped his hon. Friend would press the Bill in all its stages. He thought, however, that the penalties should be increased, and means devised to make the measure more effectual.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. CAIRD said, he did not rise for the purpose of opposing the principle of the Bill — the preservation of small birds — but he thought that it went much further than was necessary for the purpose

*Mr. C. Forster*

contemplated by its promoters. The second clause of the Bill prohibited the use of arsenic; but arsenic was used for cleansing the wool of sheep and other agricultural purposes, and it was quite clear that such a clause could not be assented to in Committee. If so stringent a clause were retained in the Bill, its effect might be to prevent scientific men from making suggestions hereafter which might be useful to farmers. They had been told that on the Continent there were laws in existence to prevent the destruction of small birds; but any hon. Gentleman accustomed to travel on the Continent, must know that the small birds in the hedges were the great object of the Continental sportsman. He believed there was at this time the promise of a very large harvest in France and other parts of the Continent, notwithstanding the systematic destruction of small birds. He would not go into the question of the position of small birds in the scheme of creation; but it was well known how injurious sparrows, which had greatly increased owing to the destruction of the sparrow-hawk by gamekeepers, were to the farmer; and to speak as if those birds did no damage, was to show great inattention to facts. A large farmer in Kent told him, as a proof that sparrows were not fond of caterpillars, that a market-gardener had several acres of his gooseberry trees infested by sparrows and caterpillars, and he thought that the sparrows would destroy the caterpillars; they left the caterpillars, however, and ate the gooseberries. There was a very old Scotch Act of Parliament passed for the purpose of preserving rookeries; into which a clause was introduced to this effect, that it should be lawful for every one to keep crows, if he liked, provided always the crows were kept to their own trees. That was a fair principal, which he should have been glad to have seen recognised by this Bill. He should not object to the second reading, but the Bill would require to be greatly amended if it were to do any good.

SIR HENRY TRACEY said, the destruction of sparrows was very great, owing to the fact that in almost every village there were sparrow clubs, which gave prizes for the sparrows that were killed. As to the poisoned packages which men went about the country distributing for sale, he had received several letters from clergymen and others, complaining of their gardens having been quite stripped of their produce by men who, without

permission, had strewn grain in their gardens. A clergyman wrote to him to say that poison was scattered on the ground in the early morning by a man who entered his garden without his leave, and who returned afterwards and removed the birds which had died of his prepared poison; that he himself found several others which died afterwards; that previously to the poison being strewn the air was vocal with their sounds, but after that, until the young were hatched, there was a dead silence; and that the fruit-trees were nearly covered with caterpillars and slugs, which rendered them almost useless. His hon. Friend had shown him a clause which he proposed to introduce, and which would entirely remove any prohibition of the use of arsenic in the cleansing of the wool of sheep. Under these circumstances, he should be glad to support the Motion.

VISCOUNT GALWAY said, he quite concurred in the necessity for some measure of this kind, for he was satisfied that the destruction of small birds was on the increase, and he could quote instances to show it. It was a bad sowing year for barley, the ground was very dry, the barley was a long time coming up, and the farmers on the limestone in his neighbourhood strewed this poisoned grain broadcast and killed no end of pigeons and rooks. He was acquainted with gentlemen who had had poultry and other things poisoned. In passing the other day through Eton, where there were so many young boys, he observed in a shop window, exposed for sale, "Doubly strong poisoned wheat, warranted to kill any one." That showed this poisoned wheat was publicly exposed for sale, and he need hardly point out the danger of permitting the indiscriminate sale of so deadly a preparation. He hoped the right hon. Gentleman the Home Secretary would support the second reading.

MR. MARSH bore testimony to the usefulness of rooks in cleansing the ground of insects. With regard to pickling wheat, he could speak from great experience, not only in England, but in other countries, that sulphate of copper was amply sufficient; and he had seen wheat so prepared taken by horses and poultry and no harm come of it. A poison for rats, which was perfectly effectual, was phosphorous; and if that were used, no animal that ate the rat afterwards would be poisoned. A few years ago something happened to him which he considered a great

calamity. Some arsenic was laid for poisoning rats, but an old fox and a whole litter of cubs were killed by eating it. He trusted the House would agree to read the Bill a second time.

MR. HENLEY said, the House was placed in this difficulty—they were asked to pass a measure providing against the danger of spreading poisoned wheat; but then they were told that almost every provision of the Bill relating to the sale of arsenic and other poisonous materials was to be struck out. Under these circumstances, he did not know whether anything of the measure was to remain and what. A great deal had been said about the inconvenience of destroying small birds, and there was much truth in it; but this Bill went but a very little way in preventing their destruction. Were they to prevent shooting them? He knew that the French destroyed small birds for the purpose of eating them—they would eat everything they could catch; they would eat even owls. Man was a destroying animal, and he would eat what he destroyed. It was very reasonable and proper to prevent persons from spreading poisoned grain for any purpose; it was not fair to kill creatures in that way; it was a nasty sneaking way of doing the business, and he should be glad to see it stopped. But if this Bill were to pass, no one could buy any opium, laudanum, or antimonial powders unless he had the prescription of his apothecary; and the beauty of it was, if a man got this prescription, the chemist would be quite free to sell any poison. He wished nothing had been said about game. The 8th clause provided that nothing contained in the Bill should affect any Act of Parliament with regard to game. But what had the Bill to do with game? The mention of game did a great deal of harm, for it made people suspect that the Bill had other objects than were stated in it. If the right hon. Gentleman (Sir George Grey) thought it better to see the Bill in its amended shape, he should not object to the Motion; but he was satisfied there was hardly a provision in it which would bear the test of ventilation in Committee. In reference to the question of steeping corn there was a great difference of opinion. He was old enough to remember the time before those new-fangled notions about the steeping of wheat came in, and when farmers were in the habit of steeping it in brine. But now vitriol and arsenic had come into vogue, and there were great differences of opinion as

to which was best and which worst. Where, however, things were used *bond fide* for seed wheat, no one could say that any harm would be done. But when those preparations were used after the grain was harrowed in, it was then that harm came of it. If the Bill were confined to the protection of small birds; he would not object to it, but as it stood it was so objectionable that it would embarrass everybody. It would be very desirable that the newly-printed Bill should describe what it meant by "vermin"—that was a very indefinite kind of thing. He was as great a friend of foxes as his hon. Friend (Mr. Marsh) or any other hon. Member, but he was not quite sure whether lawyers would not bring them within the category. He would recommend his hon. Friend not to take so large a word. People might find a difficulty in saying what should be brought within it, and when they came to legislation it was well to be as precise as possible, otherwise the matter might have to go to the Queen's Bench. He deprecated £20 penalties, because they would not be enforced. He would, however, willingly support a measure that gave promise of useful legislation.

SIR GEORGE GREY said, that considering the many Amendments which were to be proposed by the hon. Gentleman who introduced the Bill, he thought the House could scarcely tell what it really was to which they were asked to assent. Yet this was the second Bill which the hon. Gentleman had laid upon the table on that subject. There appeared to be a general agreement that the practice of spreading poisoned grain or other poisonous substances over lands was a very mischievous and dangerous one; and any Bill calculated to put a stop to that practice he should very willingly give his assent to. He quite agreed with the right hon. Gentleman (Mr. Henley) with respect to many clauses of the Bill. The Bill went far beyond its professed object, and many of the clauses were quite incapable of being carried into execution. In the course of yesterday the hon. Gentleman showed the Under Secretary (Mr. Bruce) an amended Bill. It appeared from that Bill that there was not a single clause of the present Bill which was not either to be struck out or amended; and to-night it was said other Amendments were to be introduced. [Mr. PAULL said the amended Bill contained all.] He (Sir George Grey understood the hon. Gentleman pro-

Mr. Henley

posed to strike out everything which related to the sale of poisons, and that he intended to exempt poisons that might be used for the dipping and dressing of sheep, and for *bonâ fide* agricultural purposes. If the Bill were so restricted, he thought the House ought to entertain it; and assuming that to be its object, he should not object to the Motion, on the understanding that the second reading should be *pro formâ*, and that the Bill should be re-printed and re-committed. Perhaps the better way would be to withdraw the Bill, and introduce another; but practically it would come to the same thing; and, considering the lateness of the Session, he should not wish to suggest any course which would retard the progress of the Bill.

MR. SCLATER-BOOTH said, though his name was on the back of the Bill, he would not have consented to the second reading had not his hon. Friend agreed to make the Amendments suggested. He considered the alterations now proposed would reduce the Bill to that form of which the right hon. Baronet and most hon. Members approved—namely, to prevent the spreading of poisoned grain on the surface of the ground for the purpose of killing small birds.

SIR JOHN SHELLEY said, with regard to the use of arsenic upon seed corn, that he must be a bad agriculturist who did not drill his wheat so low that it could not be got at by the birds until it grew up, and then it could not poison them. In some cases it was essential that arsenic should be used, and he thought the present Bill had better be withdrawn for the purpose of introducing a new one in the shape in which it was intended that the measure should appear before the country. Then, during the recess, the agriculturists throughout the country would be able thoroughly to consider its provisions.

MR. DUTTON said, that he had given up the practice of dressing wheat and other grain, having found from experience that his crops did quite as well without it. But the part of the Bill to which he particularly objected was that which would prevent farmers from laying poison in ricks; for when corn was kept for any time, the number of rats and mice which got into the ricks was almost incredible. As it was now so late in the Session, and as the Bill was not properly understood in the country, he hoped the hon.

Member for St. Ives would withdraw it, and thus give farmers an opportunity of discussing the measure in the recess.

Motion agreed to.

Bill read 2<sup>d</sup>, and committed for To-morrow.

#### CASUAL POOR (METROPOLIS) BILL.

[BILL 155.] BILL WITHDRAWN.

Order for Second Reading read.

VISCOUNT RAYNHAM said, he hoped this Bill would enable many cases of destitution hitherto without adequate relief, to be properly provided for. Although it was true that all persons in destitution had a right in this country to claim relief, wherever they might be, the parochial authorities were enabled with impunity to violate the provisions of the law; and it appeared that the Poor Law Board could not cope with those authorities when they refused to administer the relief which they were justly bound to provide. The subject attracted the attention of the House some years ago, and an Act was passed authorizing the Poor Law Board to parcel out the metropolis into six districts, for the purpose of affording relief to the casual poor; but that legislation had remained inoperative, and all persons who had been in the habit of passing through the streets of the metropolis, either by day or night, could not have failed to observe the want of proper administration of the law with regard to the casual and destitute poor. In some instances starvation had resulted from the parish authorities neglecting to afford necessary assistance in time. He trusted the present measure would put an end to the painful state of things to which he had adverted. By the Bill, the metropolis would be constituted into one district, presided over by a Board, for the purpose of the relief of casual poor, and the Poor Law Board would have the power of compelling by a writ of *mandamus* all boards of guardians, overseers, and other officers to carry into effect the provisions of the existing law. Thus security would be obtained for the administration of proper relief to the casual poor, many of whom would rather die in the streets than avail themselves of the relief offered at present in some workhouses. Many of the casual poor wards were in a most disgraceful state and entirely unfit for their purpose; but by one of the clauses of the present Bill—the 8th—provision was made for affording, without any luxury, the accommodation that ought to be provided for

human beings. It was provided that separate and proper sleeping accommodation should be provided for every person. Another objection to the existing system was that the hours of admission were restricted, and the masters of workhouses had the power of refusing relief in cases which they deemed not to be cases of emergency. He submitted that such restrictions were not applicable where it was self-evident that the persons applying were in actual want of the accommodation they asked for. He proposed in his Bill that every asylum for the relief of casual poor should be open for the admission of poor persons at all hours, day and night, and that every person alleging destitution should be *ipso facto* entitled to admission. In order to prevent improper persons from availing themselves of the provisions of the Bill, he proposed that the authorities might, whenever they deemed it expedient, prescribe to the persons admitted for relief, a task of work for a time not exceeding eight hours.

Moved, That the Bill be now read 2<sup>d</sup>.

SIR BALDWIN LEIGHTON said, that if very great facilities were afforded for the admission into workhouses of casual poor, a great deal of mischief was likely to be done. In a very large majority of cases, these tramps were not only vagrants, but thieves, and their robberies were almost always committed on the poor. He thought, therefore, that care should be taken not to encourage such persons, who he did not believe were exposed to the hardships and privations described by the noble Lord. He did not see the necessity of the provision that the asylums for the reception of casual poor should be open at all hours, for people could not become completely destitute all of a sudden, and therefore, when they sought the refuge of an asylum, they should go there at reasonable hours. No doubt, deaths by starvation had occurred, but not among tramps—they occurred to persons who had a repugnance to enter the workhouse, and not from a refusal of relief. One of the clauses of the Bill would make the tramps very comfortable in their sleeping quarters; but he did not see why they should complain if they were not at present worse off than soldiers during the night. The present Bill applied only to London; but if it should become law, there was danger of its being extended to the country at large, and that expensive night asylums would have to be provided everywhere. In his opinion, the Bill would tend to increase the number of vagrants.

MR. AYRTON thanked the noble Lord for interesting himself in this important subject, because the moment a metropolitan Member introduced a Bill in reference to the metropolis he was suspected of having some unfair object in view for the advantage of his own constituents. The subject was one well worthy the consideration of the House, and he regretted that it was so late in the Session that they could not discuss the Bill with the prospect of its passing into law before the prorogation. The main principle of the Bill had already been recognised by Parliament, and it was admitted that a grievance existed with which Parliament ought to deal. An Act was passed about twenty years ago, but from some cause or other it had never been carried out. The question which the House had to consider was why the existing law on the subject had failed, and whether there ought not to be further legislation to carry it practically into effect. He believed that it failed in its fundamental principle in providing district asylums in the metropolis, as there was no mode by which the casual poor in the metropolitan districts could be described, and hence there were constant conflicts as to the question in which district a casual pauper should be relieved. The Bill would remedy that evil, and remove all possible conflict on that ground. He admitted the great difficulties of the subject, but these difficulties might be removed if they would set about with determination to do it. Asylums might be established and conducted in such a manner that the general public would feel that there ought not to be any casual vagrants wandering about the streets at night. If such a feeling were created, a great boon would be conferred on the public. It was said that the asylums under the present Bill would encourage vagrancy. That, however, would depend very much on the way in which the asylums were managed. If they were inconsiderately managed, vagrancy, no doubt, would increase, but the object should be to have them managed so stringently that no poor person would feel any enthusiasm in going to them, but would apply for relief solely to avoid the dire necessity of starving in the streets. Rather more discretion was conferred in this measure on the Poor Law Board than those who had the care of the poor in the metropolis would be disposed to approve. The Bill could not, however, be regarded as a prac-

*Sir Baldwin Leighton*

tical proposal; but when it assumed that form, it would deserve consideration. There could be no question that it was most desirable to clear the streets at night from all vagrants, and to make such arrangements that it should be known that any vagrant who was abroad after dark was out on suspicious business, and not because he was without shelter. If the Bill were introduced again, it ought to be at a very early period of the Session, so that every board of guardians should have an opportunity of considering it. There would no doubt, be some opposition to it; but if any Petitions were presented against it by wealthy parishes, such as Paddington or St. George's, Hanover Square, on the ground that it added  $\frac{1}{2}$ d. or 1d. in the pound to the light rates which they already paid, he trusted the House would treat such remonstrances with the scorn and contempt which they deserved.

MR. HARVEY LEWIS said, he did not believe that the wealthy parishes with which he was connected would oppose any measure that was calculated to efficiently relieve the casual poor. He regretted that the hon. Member for the Tower Hamlets (Mr. Ayrton) did not take up this question himself, instead of advocating the principle of the Bill, and condemning the Bill itself, as containing none of the provisions which it ought to contain. His chief objection to the Bill was, that it would take to a certain degree the control of the expenditure of the rates out of the hands of the ratepayers. He believed, too, that the Bill was a step towards the general equalisation of poor rates. What were called the casual poor were not always those who were deserving of charity, but many of them were those who made a trade of vagrancy. He thought the Bill dealt with a subject that was too extensive to be taken up by a private Member, and that it was one that ought to be taken up and dealt with by the Poor Law Department of the Government.

MR. LOCKE said, that this Bill merely sought an extension of a principle which had been recognised over and over again by the Poor Law Board. The principle of irremovability after a three years' residence had been recognised, and their relief had been removed from the parishes and placed on the union. We lived in a great metropolis, in which a mass of casual poor were wandering in the streets, and the principle of the Bill was that the general metropolis should provide for the

relief of those casual poor. That was a just principle. In many parishes of the metropolis provision was made for the casual poor, while in others there was none; so that when the casual poor applied for relief in the parishes in which no provision was made for them, they were sent to the parishes in which provision was made. That was unfair, and the Bill provided that every parish should contribute equally for the general object. The rich parishes did not pay their fair share to the relief of the poor, and so parishes such as St. George's, Hanover Square, and Paddington and Marylebone, invariably opposed such a measure as this.

MR. THOMSON HANKEY said, it was a mistake to suppose that the wealthier parishes were seeking to relieve themselves at the expense of the poorer ones:—on the contrary, the present Bill had been introduced at the instance of London parishes, and especially of several in the West End. In 1844 an Act was passed for the establishment of asylums for the casual poor, and also for schools; but it had remained in abeyance ever since. It was not the fault of the rich parishes of London that that Act was not carried out, for more than one of them took steps to carry it out, but found it impracticable to do so. The Bill now before them proposed to re-enact that Act with the exception of a single clause. This question, however, was too large and important to be dealt with successfully except by the Poor Law Board, and it would be well to have reports from the police and workhouse authorities before any legislation were attempted. In some of the workhouses the casual wards were very good, and in others they were very bad. The want of uniformity was the great difficulty of the case. It was found that the least restriction, such as requiring the casual poor who were admitted to take a bath, had the effect of sending them to another parish where that condition was not enforced. Another great difficulty was that by these asylums they might be giving a lodging during the night to thieves, and setting them free to pursue their depredations during the day.

MR. WYKEHAM MARTIN said, that as one of the promoters of the Bill, he should be very glad to hand over the subject to the Poor Law Board. What was wanted was the establishment of a uniform system of relief for the casual poor of the metropolis on the common purse principle.

It was monstrous that there should be some wealthy parishes whose poor rates were almost nil, while poor parishes were paying several shillings in the pound.

MR. W. WILLIAMS said, the reason of the failure of the Act that was passed some years ago on this subject was, that it attracted all the thieves and vagabonds of the country to London; and he believed that the present would not be more successful if it were passed than the Act to which he referred. He should give it, therefore, his decided opposition; and if nobody else did so, he would divide the House upon it.

MR. GILPIN said, that he regretted the absence of the President of the Poor Law Board, which was owing to an important engagement elsewhere. He readily joined with other hon. Members in giving credit to the noble Lord (Viscount Raynham) for the benevolence of his intentions in bringing forward this Bill; but he would assure the House that the subject, so far from having been neglected by the Poor Law Board, had been for a long period, and was at this moment, under its consideration. It was one, however, surrounded with difficulties, and require a large amount of consideration before it could be brought before the House in the shape of a Bill. In 1837, in consequence of certain complaints received from the police, the Poor Law Board issued a circular to all the metropolitan unions advising them to relieve the destitute poor without previous inquiry as to settlement. Again, in 1838, the Board issued another circular instructing unions to afford relief in workhouses. The Poor Law Board found, that while a large number of unions had complied with the order of the Board, there were certain unions that had not, and therefore in 1839 workhouse officers were warned, on pain of dismissal, to receive urgent cases into the workhouse; and a similar order was issued in 1841. In 1844 the 7 & 8 Vict. was passed providing district asylums; and in 1845, following out the provisions of that Act, the Poor Law Board divided the metropolis into six asylum districts, and at the same time urged the appointment of boards of management. In 1846 there was a Committee of the House of Commons to inquire how far the Poor Law Board had exercised its powers as to the district asylums. It was then abundantly proved, by the evidence of the late Sir George Lewis and others, that it would not be wise to take for granted that the majority of

those cases that came under the title of casual poor were all deserving and needy persons. Sir George Lewis stated that they included mendicants and others known to be generally persons of dissolute character, living habitually a life of laziness, imposture, and crime. There were, of course, many exceptional cases, and some of those cases had come under the kind notice of the noble Lord, and had had the effect of directing his attention to this particular subject. The Committee did not make a Report; but by the casting vote of the Chairman a Resolution was adopted to the effect that the establishment of district asylums would be beneficial and tend to suppress vagrancy in the metropolis; but the majority of parishes were so averse to being combined in unions for this purpose that the Committee recommended the Poor Law Board to suspend their orders for forming district asylums until the parishes were reconciled to the establishment of them. In 1858 the right hon. Gentleman the Member for North Wilts (Mr. Sotherton Estcourt), then President of the Poor Law Board, issued a letter to forty-one unions asking their opinion as to the practicability of carrying out the measure that had been proposed. Nineteen unions objected altogether to the provisions of the Act of 1844, five were in favour of them, one expressed itself doubtful, one urged further inquiry, and from fourteen no answer at all was received. One of the first objections to the present Bill was the expense it would entail without sufficient representative supervision. It would, also be found that one large metropolitan board, such as the noble Lord proposed to constitute, would not act better, but rather worse, than separate boards appointed by the different unions. He was not surprised that the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) should have supported the Bill, because he had a suspicion that the ruling feeling of the hon. and learned Gentleman in matters of this sort was to bring about in some way or other the equalization of rating in the metropolis, and he probably regarded this measure as one step towards his darling object. By Clause 5 the central board was to be compelled by *mandamus*, in the event of its not carrying out the regulations of the Act. That was a very questionable provision. It was not proposed to compel the Board to buy land for the establishment of asylums, or to force owners to sell land for such a purpose. Under Clause 6

Mr. Gilpin

every person alleging himself destitute would be entitled *ipso facto* to food and lodging for twenty-four hours' without inquiry. Those hon. Members who had been in the habit of attending meetings of boards of guardians would agree with him that it was not sufficient a man or a woman should say he or she was destitute to entitle the applicant to twenty-four hours' relief. But the noble Lord proposed that eight hours' work should be got out of the persons relieved as casual poor. How was that to be done? If the persons refused to work, they might, indeed, be sent to prison; but it would be impossible to get the work out of them. On the whole, seeing that no legislation could take place in the present Session, that some of the principal provisions of this Bill were strongly objected to, even by those who agreed in the general object with the noble Lord, and that the subject was at this moment under the consideration of the Poor Law Board, who were constantly obtaining additional information respecting it, he hoped the noble Lord would withdraw the Bill; and if he found that the Poor Law Board failed in what he deemed to be its duty, he could again draw attention to the subject.

SIR STAFFORD NORTHCOTE said, that in the fact that this subject had been under the consideration of the Poor Law Board for upwards of twenty years, and yet that nothing had been done, was to be found the justification of the noble Lord for having introduced a Bill which had produced a very interesting discussion, and which he hoped might lead eventually to some useful result. Almost every speaker had acknowledged that there was an evil to be grappled with, and that at present the law provided no efficient or adequate remedy. He believed that the difficulty arose in a great measure from the large number of persons who were attracted to London by the unwise and indiscriminate charity of residents at the West End, and who sooner or later became chargeable upon the parishes at the East End. Hence the burden of their support was thrown in an undue degree upon the East End, and it was almost impossible to have any satisfactory or uniform system of dealing with them. No doubt, there were many obstacles in the way, for with some exceptions the casual poor might be regarded as a semi-criminal class; but what the noble Lord desired to do was to introduce a change by which the number of such persons might be reduced, while every requisite aid was

given to the really deserving poor. It was true the Bill provided that every person who represented himself to be destitute should be relieved; but it also provided that he should do eight hours' work the next day, or, in case of refusal, be sent to prison. The hon. Gentleman (Mr. Gilpin) asked how that was to be enforced—how they could make a man do anything? Why, if he refused, he was to be sent to prison. The Government might, if they pleased, suggest a more satisfactory provision in Committee, but certainly the noble Lord was not obnoxious to the charge of desiring to encourage vagrancy. He believed the Bill might at least be made the basis of practical legislation; but he was afraid it could not be carried through in the present Session, and would consequently advise the noble Lord to withdraw it, on the understanding that the Government would themselves deal with the subject next year.

MR. KNIGHT believed that the Act of 1844, if carried into effect by the Poor Law Board, would do all that the noble Lord required. The remedy had been provided by Parliament, and it only rested with the Poor Law Board to carry out the enactment. He complained that the Board never seemed to regard themselves as trustees for the poor as well as for the ratepayers, whereas their first object ought to be to make proper provision for the destitute, and their second to reduce the rates.

VISCOUNT RAYNHAM said, he should be glad to withdraw his Bill if he could obtain an assurance from the Poor Law Board that early next Session they would bring forward a measure to effect the object he had in view. If, however, it was the opinion of the House generally that he ought to withdraw the Bill, he was prepared to do so.

Order discharged :—Bill withdrawn.

#### DOMESTIC SERVANTS AND APPRENTICES PROTECTION BILL.

[BILL 168.] SECOND READING.

Order for Second Reading read.

VISCOUNT RAYNHAM, in moving the second reading of this Bill, stated that its object was to extend, for the benefit of all orphan and deserted children entering domestic service or becoming apprenticed, the principle of the measure passed a few years ago for the protection of young persons of the same age who had been brought up in workhouses.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR GEORGE GREY said, he fully recognised the benevolent motives of the noble author of the Bill; but he thought the measure would be prejudicial to the interests of those for whose advantage it was intended. Every employer of these young persons was to be compelled to make certain returns, and to have his establishment subjected to a system of visitation; the effect of which would be to deter many from taking them into their service at all.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(Sir George Grey.)

Question proposed, "That the word 'now' stand part of the Question."

VISCOUNT RAYNHAM said, he would consent to withdraw his Motion.

Amendment, and Motion, by leave, withdrawn.

Bill withdrawn.

#### ANCHORS AND CHAIN CABLES BILL.

[BILL 95.] SECOND READING.

Order for Second Reading read.

MR. LAIRD, in moving the second reading of this Bill, said, that having had some experience of the difficulty of insuring the good quality of anchors and cables, he had come to the conclusion that legislative interference for that purpose was called for. In that opinion he was supported by the great body of the mercantile classes, and also of the chain and cable manufacturers. Evidence had been given before a Committee of that House, a few years ago, showing the necessity for a measure like the present, and how great risk to life and property was caused by the use of defective anchors and chains. The object of this Bill was therefore to provide that machinery for testing the quality of those articles should be established in different parts of the country; and that licences should be granted by the Board of Trade to corporate or other bodies for the erection of such testing apparatus. He did not intend to interfere with the manufacture of cables and anchors; but he proposed that the Board of Trade should appoint a competent engineer to see that the proving machinery was kept in good order. The



Bill would render it unlawful for makers and dealers to sell unproved anchors and cables, and would require every British vessel to be equipped with stamped anchors and cables. The measure would not have a retrospective effect, but would, if passed, come into operation on the 1st of January next. The hon. Member for Northumberland (Mr. Liddell) desired that power should be given to corporations to raise money for the erection of testing machines, and he saw no objection to the introduction of a clause having that object. He had no doubt that testing machines would be placed in all the principal towns where they would be requisite for the proper carrying out of the Bill. That would be a great advantage to the small shipowners, for whose benefit such a measure as this was most necessary. The larger shipping companies were better able to protect themselves in this matter; and, indeed, a system was practised by Lloyd's under which anchors and chains were now subjected to proof. Yet one-half of the shipping of the country was not passed at Lloyd's; and Lloyd's themselves required such a test only in the case of first-class vessels. If, however, this Bill passed, every master, sailor, or passenger would know that he was going on board of a ship which would be properly provided with ground tackle. He was sorry to have had an intimation that the President of the Board of Trade meant to oppose this measure, on the ground that it would be an undue interference with trade; but he hoped the right hon. Gentleman would change his intention, if he had ever entertained it. The Bill would give much less trouble to the Board of Trade than any other matter which that Department had under its charge, while at the same time it would have a beneficial effect in regard to the safety of life and property. He begged therefore to move the second reading.

MR. CAVE, in rising to second the Motion, hoped the House would not pronounce a decision adverse to the principle of the Bill. This was analogous to those cases, common to all trades, in which the makers of genuine and valuable articles sought the protection of the Legislature against the makers and vendors of worthless and spurious imitations; and the public in general asked for protection in a matter in which they could not protect themselves. The objections taken against the Bill on a former occasion were twofold;

*Mr. Laird*

the first against compulsory testing itself, the second against Government interference. With regard to the former, it might be enough to say that underwriters, shipowners, and manufacturers all agreed that the badness of iron cables and anchors was a great and growing evil, and were doing their best to put an end to it; and though inconvenience would doubtless be felt at first in sending articles already manufactured and disposed of to be tested, that was an inconvenience which would gradually die away, and anything was better than the continuance of a practice so destructive to human life as the use of bad cables and anchors had been. It had been said, and might be again, that you might as well exercise supervision over ropes and rigging; but those were matters upon which a sailor might judge for himself, whereas it was perfectly impossible for him to judge of the quality of a painted chain cable or anchor, and his life might be sacrificed by the criminal parsimony of his employer. Well, then it was objected that many people were killed on railways, but that there was no proposal to test the iron used for rails or wheels. That was only half true. Railway companies had to pay heavily for the privilege of killing passengers for the sake of economy. Evidence was taken in such cases of the quality of the iron; whereas when a ship went down at sea no such evidence could be obtained, and if the owners were covered by insurance, they lost nothing, but the poor men lost their lives, and their families lost those who earned their bread, and were too often thrown upon the parish. Then it was said that each link must be stamped, or else fraud might take place. No doubt fraud might take place, as it probably did in the case of gold and silver marks, but it would seldom be worth the risk in the case of iron cables, and certain lengths might be stamped at each end without any difficulty. But was Government interference necessary? Might not all this be left to Lloyd's committee and private enterprise? Lloyd's regulations were most valuable; but Lloyd's was a company of private individuals, and their recent regulations might be rescinded by subsequent resolutions. Besides, a very large number of ships were not classed at Lloyd's at all. Whereas, if this Bill became law, any vessel on a voyage with untested chains and anchors would be on an illegal voyage, and would forfeit her insurance, just as a passenger vessel with an

insufficient number of boats now does. This Bill extended the practice towards that considered necessary for Government vessels, but only partially so, for Admiralty anchors were proved by fire and water as well as by strain, and in Admiralty cables the practice of filling the links with heavy stay pins of inferior iron was restrained. If this Bill passed, he believed that private enterprise under Government inspection would be quite sufficient to furnish and work testing machines to carry the law into operation, and he intended in Committee moving an Amendment in Clause 1 to that effect; but he was quite sure that the principle of the Bill met with almost universal approbation, and that the provisions it contained gave general satisfaction; and if Government opposed it, it only showed that the Government set a higher value on the safe conveyance of their stores than on the safety of the lives of a numerous and most valuable class of Her Majesty's subjects.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LINDSAY said, that the Committee to which the hon. Member for Birkenhead (Mr. Laird) had referred, had reported against the compulsory testing of anchors and cables. This Bill, however, was a compulsory measure. If they were to enter upon a course of such legislation, where were they to stop? If they interfered with the shipping trade at all, they would soon be asked to go a great deal further. No doubt many vessels were lost through having bad anchors and cables, but still more were lost through having insufficient spars, or through being constructed of bad iron. Were they, then, to have a Government Inspector examining and certifying as to the quality of every spar, and the sufficiency of every iron plate? It was all very well to say that any sailor could judge for himself as to the quality of a spar; but it might have dry rot, or some other defect not visible to the eye. Again, many ships foundered at sea from their bad construction. Must they, therefore, have Government surveyors in all their shipbuilding yards to see that vessels were properly built? If the Government thought proper to interfere in the matter of anchors and cables, they ought to interfere in these other matters, which were of quite equal importance.

Moreover, this Bill was so crude that it would be totally impossible for the Board of Trade to carry it out. How, for example, were they to be sure that the certificate of proof, when produced, was the certificate which really applied to the cable or anchor then on board the ship? He doubted whether the feeling of the shipowners generally was in favour of this Bill. It was for the interest of the shipowners themselves to supply their ships with good anchors and chains, and most of the large shipowners now tested their anchors and chains; but that was no reason why the poor man should be compelled under heavy penalties to do the same. It would be much better to leave the matter to their own option. On these grounds, he would move, as an Amendment, that the Bill be read the second time that day two months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(Mr. Lindsay.)

MR. HORSFALL said, he was surprised at the course taken by the hon. Member for Sunderland (Mr. Lindsay), and still more at the likelihood of this measure being opposed by the President of the Board of Trade. Few Bills had been introduced in that House which were more important to the shipping interest. He believed the great majority of the shipping interest were in favour of this measure, and on behalf of his own constituents, he was anxious to see it passed. The hon. Member for Shoreham (Mr. Cave) appeared to think the Bill was retrospective in its character; but it would not come into operation till the 1st of January 1864.

MR. MILNER GIBSON said, he thought this measure would impose very grave responsibilities upon the Board of Trade, and also duties which it would find very difficult to perform. If, however, the House sanctioned the principle of the Bill, that Department would do its best to carry out the spirit of the enactment. Everybody admitted the desirability of every ship being provided with good anchors and cables. The difficulty was how to secure an object of that kind by legislation. The matter was really one of detail. Two objects were contemplated by the Bill—first that no untested anchor or cable should be sold after a certain date in this country; and second, that no British ship should be allowed to leave a British port unless it

was equipped with certificated anchors and cables. To effect the first object, it was said that somebody would set up testing machines; but there was no security taken that that should be really done. No doubt there would be testing machines in parts of the country where there were large manufactories of chains and anchors; but in other places the small coasting ship-owners would have no testing apparatus near them, and the expense of sending their anchors and chains to be proved at a distance would be greater than they could bear. The Board of Trade was to license persons to put up testing machines; but would people be found to invest their capital on a chance of that sort in all parts of the kingdom? If not, then they would establish a monopoly of chain and anchor making in certain districts, and the smaller manufacturers in other districts would be deprived of their trade. Again, the Board of Trade was to fix the charges made for testing; but how were the officers of that Department to tell what were the proper charges for these operations? If they fixed the scale too low, the owners of the apparatus would discontinue the business; if they fixed it too high, they would be imposing undue burdens on the shipping interest. Then, as to the second object, how were they to secure that a vessel should be equipped with a tested anchor and chain? He presumed a Custom-house officer or Government Inspector must go on board and examine not, perhaps, every link—which would, perhaps, be necessary to make a good job of his work—but every length of fifteen fathoms, to see that it had the Government stamp on it. Such a process would detain the ship an hour or two, and also necessitate an increase in the official staff. All our first-class ships and all vessels employed by the Government, or engaged in conveying emigrants, were already required to have their anchors and cables tested, and in the case of those ships no measure like the present was necessary. It was the coasters only which were not provided for under the present voluntary system. Was it necessary, then, to legislate for the case of the coasters alone? There was no evidence that coasters were lost from the bad quality of their ground tackle. The fact was that the coasters were in the habit of going to sea insufficiently manned, and consequently the ground tackle they used was not heavy enough or strong enough in proportion to their tonnage. He was not prepared to

*Mr. Milner Gibson*

offer an unqualified opposition to the second reading; but if the Bill were read the second time, it would require extensive alterations to give effect to the intentions of the House; and at that period of the Session there was little chance of passing a really efficient measure. He would therefore recommend that the Bill be delayed for further consideration. It would impose a great additional charge on British shipping, from which foreigners would be exempted. Was the present stock of anchors and chains—a great proportion of them, no doubt, excellent—to be condemned as old iron, without compensation to the parties, unless they went to the expense of sending them to be tested, perhaps to a distant part of the country? The expense thus occasioned might be equal to the value of the property, without reference to the fees for testing to be fixed by the Board of Trade. It would, he thought, be very hard to call on private parties to bear all this expense for some object of public utility, without compensation. No doubt, the object was a philanthropic one, although in some quarters there might be a little feeling that it would bring manufacturers of anchors and chain cables into particular localities, and thus create a monopoly; he did, however, hope that while he would not stand in the way of the second reading of the Bill, hon. Gentlemen would consider the details, and seriously pause before they gave their assent to the machinery contained in its clauses.

SIR JOHN PAKINGTON said, that there were two hon. Members to whose opinions on questions affecting the mercantile marine they were all disposed to attach weight—he meant the hon. Member for Birkenhead and the hon. Member for Sunderland—and when those two were found to be at issue, the House might naturally feel embarrassed; and in this perplexity all they could do was to form the best judgment they could for themselves. The right hon. Gentleman who had just sat down (Mr. Milner Gibson) spoke in very doubtful language, but, upon the whole, he appeared to have come to the conclusion that he could not support the Bill. He hoped the House would show him that they entertained a very decided opinion on the question, and then he had no doubt the right hon. Gentleman would conform to it. The hon. Member for Sunderland had referred to the Report of the Committee four years ago; but he (Sir John Pakington) thought it would be

much better to be guided by the arguments which had now been adduced. It was said, if they interfered with anchors and chains, they would next have to deal with rigging and spars. But that was one of the weakest of arguments. Here was a practical grievance; let them deal with it, and not be deterred from doing so by the apprehension that if they did what they could to cure one evil, they would perhaps be called on to remedy some others. This was eminently a common-sense question. They wanted protection for the mercantile marine. They had clear practical proof, year after year, that protection was required. The right hon. Gentleman said there was no evidence that coasters were lost through defects in their anchors and chains; but he maintained, as a matter of common sense, that no ship was safe in going to sea unless her anchor and cable were seaworthy. In the tremendous and memorable gale at Balaklava no fewer than thirty transports had been lost, and Admiral Dundas's Committee had reported that those ships had been lost through defects of their anchors and chain cables; while none of Her Majesty's ships had been lost, which had good anchors and cables. Shipowners, to the value of 1,000,000 tons of shipping, and eight or nine insurance offices, had petitioned in favour of this Bill. Let the details be considered in Committee. They were not now considering the details, but the principle of the Bill. They should remember one thing, that no ship of the Royal Navy went to sea without a tested anchor and a tested cable. Now, what it was possible to do for the Royal Navy it was possible to do for the mercantile marine. He therefore hoped the House would pronounce an unhesitating decision in favour of the second reading of the Bill.

MR. CRAWFORD hoped the House would not agree to read the Bill a second time. It was not only unnecessary, but most impolitic, to interfere in matters of this kind, and endeavour to do that which shipowners were well enough able and altogether disposed to do for themselves. What, under this Bill, was to prevent the owner of a ship of 1,000 tons, having only economy in view, to take an anchor which was only capable of holding a vessel of 500 tons? It had been said that shipowners were in favour of this Bill, but he was not prepared to endorse that opinion. On the contrary, he held in his hand a

letter signed by the Secretary of the General Ship Owners' Society to the Board of Trade, objecting to the Bill. He believed he was speaking the sentiments of many of those whom he represented when he said not only that this Bill was unnecessary, but that it would be at once burdensome and ineffectual for its object.

SIR JAMES ELPHINSTONE said, with reference to the objections of the hon. Member for the City of London (Mr. Crawford), it would be very easy to make regulations by which ships of a certain tonnage should have anchors and chains of a corresponding size and strength. This was already required by all Insurance Offices in London. It was intended to provide that there should be testing machines erected in convenient places, to which anchors and cables might be sent to be tested, and the expense to a ship would not be more than from £2 to £3, while one testing might serve as long as the ship was on the register to which it belonged. With regard to coasters, the anchor was their last resource, and in a gale many of them remained under weigh, because it was known their anchors would not hold them. With regard to the argument about monopoly, it was not every country blacksmith who shod horses that could make a chain cable; the anchor and chain cable interest was already confined to particular districts, and he did not see why a small chain should not be tested as well as a large one. An unfortunate acrobat had lost his life by the snapping of the eye of a hook by which the cable was made fast on which he was performing; and the other day, at Lloyd's testing house at Blackwall, the chain cable, weighing 15 tons, intended for a ship of 1,800 tons, which should have borne a strain of 72 tons, broke at a strain of 18 tons — only three tons heavier than the chain itself. The right hon. Gentleman opposite seemed at a loss to know how the duties which this Bill would impose on the Department could be performed; but if he would appoint as Inspector Mr. Robert Bowman, who had given evidence before the Committee, all his difficulties on that score might easily be obviated. The right hon. Gentleman (Sir J. Pakington) talked of the details of this Bill; but in the Merchant Shipping Act, which consisted of 626 clauses, everything had been provided for, even to the testing of a captain's brains — except, indeed, the only thing which was of indispensable necessity to

the preservation of the whole life and property embarked—namely, the ship's anchors and chains.

MR. FENWICK said, it did not necessarily follow, that because anchors or chain cables broke, the material was therefore bad or the workmanship defective. The force of a gale might be so great that no anchor or chain cable could resist it. He opposed this Bill on principle, as an unwarrantable interference with the ship-owners of this country in the proper conduct of their own business. He had no reason to believe that the majority of ship-owners of this country were in favour of the Bill.

MR. BENTINCK said, it had been stated in evidence before the Committee which inquired into that subject, that 81 per cent of the cables manufactured in this country were defective. The fact was that the whole of that manufacture was a system of fraud and iniquity; and the result of that fraud and iniquity was a deplorable loss of life at sea. The Bill would afford a remedy for that evil; and he hoped it would receive the sanction of Parliament. The arguments advanced by the right hon. Gentleman the President of the Board of Trade against the measure seemed to him to militate in its favour; and he certainly saw no reason why the Board of Trade should refuse to undertake the new duties which it would impose upon them.

MR. R. HODGSON said, that his constituents in Tynemouth had informed him that they were in favour of the Bill, and he should therefore give to it his support.

MR. GOSCHEN admitted that in passenger ships, where the lives of many were exposed, it might be very proper that Government should keep a watchful eye over anchors and chains; but when it was said we want to protect our ships, it should be borne in mind that the ships did not belong to them, but to the ship-owners; and, if Government was to interfere in such matters, there would be no end to their interference, and great injury would be done to the free course of trade.

MR. LAIRD, in reply, said, that the Chamber of Commerce and the Shipowners Associations in Glasgow, Newcastle, Liverpool, and other places, with the manufacturers in Staffordshire, had petitioned in favour of this Bill.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 119; Noes 44: Majority 75.

*Sir James Elphinstone*

Main Question put, and *agreed to*.

Bill read 2<sup>d</sup>, and *committed for To-morrow*.

#### RAILWAY BILLS BILL—[Bill 6.]

##### BILL WITHDRAWN.

Order for Second Reading read.

MR. WHALLEY, in moving that the Order of the Day for the Second Reading of this Bill be read, in order to its being discharged, said, that the object of the Bill, which he had introduced at an early period of the Session, was to authorize the establishment of a permanent Department to deal with new railway projects. The subject was admitted to be one deserving of consideration, and a Committee was appointed to inquire into it, and the Report of that Committee was now before the House. He should not now ask the House to read the Bill a second time; but if allowed to withdraw it, he should ask leave to introduce another Bill of a more limited character, which he hoped would be passed this Session. That Bill would give effect to two Resolutions agreed to by the Committee—one, that unopposed Bills might receive the sanction of the Legislature without the expense and risks attendant upon the present mode of proceeding in Parliament; and the other, that such projects might be referred to a department of the Board of Trade, to report whether the requisite conditions had been complied with.

Order *discharged*:—Bill *withdrawn*.

#### RAILWAY BILLS (No. 2) BILL.

##### LEAVE. FIRST READING.

MR. WHALLEY then asked leave to introduce a new Bill upon the same subject.

SIR JOHN PAKINGTON asked whether it was in accordance with the rules for an hon. Member, upon a Motion day, to interpose a new Bill without notice.

MR. SPEAKER said, that when the House gave leave to withdraw one Bill with a view to the introduction of another, the practice was to allow such new Bill to be introduced at once.

Motion *agreed to*.

Bill for diminishing the expense attending the passing of Bills relating to Railways, *ordered* to be brought in by Mr. WHALLEY and Mr. M'MAHON.

Bill *presented*, and read 1<sup>st</sup>. [Bill 216.]

# KITCHEN AND REFRESHMENT ROOM (HOUSE OF COMMONS) COMMITTEE.

## RESOLUTION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [2d July],

"That, in the opinion of this House, the enlargement of the Dining Rooms proposed by the Committee on the Kitchen and Refreshment Rooms should be carried into execution."—*(Colonel French.)*

Question again proposed.

Debate resumed.

MR. AUGUSTUS SMITH said, he did not intend to oppose the Motion. The Committee recommended the enlargement of the dining-room, but he thought an improvement in the dining should precede an enlargement of the room. He did not dine there very often, but he should do so more frequently if he could get anything fit to eat. He hoped, when Parliament met again, there would be a change in the constitution of the Kitchen Committee.

SIR JOHN PAKINGTON thought the proposed enlargement of the dining-room would be a great improvement, but he also thought that some of the complaints that were made were not well founded. Dining there recently in company with the right hon. Gentleman the Member for Bucks (Mr. Disraeli), this question became naturally a subject of conversation between them, and they both thought that Mr. Steers would be harshly treated if the management of the business were taken out of his hands and transferred to another gentleman. It was said that Mr. Steers' successor was to have a larger allowance by £200, but it would be fairer before dismissing Mr. Steers to grant him that increase in order to ascertain whether he could not then obviate the chief complaint, which was of imperfect attendance.

MR. BENTINCK said, the right hon. Baronet misunderstood the Motion before the House, which was not the dismissal of Mr. Steers, but the enlargement of the dining-room. The Committee of which he was a Member had passed a Resolution; and unless the House adopted the Resolution, the result would be that hon. Members would get no dinner at all.

SIR PATRICK O'BRIEN remarked, that this would be the only opportunity which the House would have of expressing an opinion upon Mr. Steers' catering. He could only say that he thought the dining was as good there as in many of the clubs in town, and he doubted whe-

ther any improvement would be effected by changing the contractor.

VISCOUNT GALWAY said, an enlargement of the dining-room would alter the arrangements of the House. The fact was, the fashion of dining at the House had become general. Formerly Members only went to Bellamy's to get a chop; but now most Members dined there, and the House of Commons was the greatest dining club in London. As to Mr. Steers, he had no fault to find with his arrangements.

Debate further adjourned till Wednesday next.

## PROMISSORY NOTES AND BILLS OF EXCHANGE BILL.

On Motion of Mr. CHANCELLOR of the EXCHEQUER, Bill to remove certain restrictions on the negotiation of Promissory Notes and Bills of Exchange under a limited sum, ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. PEARL.

Bill presented, and read 1<sup>o</sup>. [Bill 218.]

## SYDNEY BRANCH MINT BILL.

On Motion of Mr. CHANCELLOR of the EXCHEQUER, Bill to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal tender for payments; and for other purposes relating thereto, ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Mr. PEARL.

Bill presented, and read 1<sup>o</sup>. [Bill 217.]

House adjourned at a quarter before Six o'clock.

## HOUSE OF LORDS,

Thursday, July 9, 1863.

MINUTES.]—*Sat First in Parliament*—The Lord de Saumarez, after the death of his Brother; the Lord Sudeley, after the death of his Father.

PUBLIC BILLS—*First Reading*—Removal of Prisoners (Scotland) (No. 200)\*; Public Works and Fisheries Acts Amendment\* (No. 201).

*Second Reading*—Colonial Letters Patent [H.L.]\* (No. 189); Poor Law Board Continuance\* (No. 187).

Committee—Statute Law Revision [H.L.] (No. 133); Militia Ballots Suspension\* (No. 190); Walmer Vesting\* (No. 187); Loan Societies\* (No. 188).

Report—Sheep and Cattle (Scotland)\* (No. 144); Statute Law Revision [H.L.]\*; Public Works (Manufacturing Districts) (Nos. 199 & 203); Thames Embankment (South Side)\* (No. 162).

*Third Reading*—Telegraphs\* (No. 185); Passengers Act Amendment\* (No. 163); and severally passed.

STATUTE LAW REVISION [H.L.]—(No. 183.)  
COMMITTEE.

Order of the Day for the House to be put into a Committee on the said Bill read.

LORD PORTMAN said, that he had had the pleasure some twenty years ago of hearing the noble and learned Lord (Lord Brougham), in a memorable speech of seven hours in length, introduce proposals for the reform of the law; but he regretted to add that a mass of errors had crept into legislation in consequence of the imperfections contained in the various Acts of Parliament which had been passed for the purpose of amending the law. He feared that every attempt at consolidation and revision must necessarily be accompanied by this evil.

LORD BROUGHAM observed, that he had reason to believe that no litigation whatever had sprung up out of the measures for the amendment of the law which he had had the honour of introducing into Parliament.

House in Committee.

Bill reported, without Amendment; and to be read 3<sup>a</sup> To-morrow.

PUBLIC WORKS (MANUFACTURING  
DISTRICTS) BILL—(No. 199.)

REPORT.

Amendments reported (according to Order).

EARL GRANVILLE moved further Amendments, which, he said, would meet certain objections stated by the noble Earl opposite (the Earl of Derby) when the Bill was read a second time.

THE EARL OF DERBY said, that there would still remain two contradictory definitions of the word "owner," and it would be better to omit the whole of the second definition which appeared in page 9 of the Bill. As to the provisions in another Bill, which had not yet reached their Lordships' House, with regard to rates in aid, he earnestly implored the Government to consider whether it was worth while for so small an object as £35,000 to incur the immense dissatisfaction which the operation of those provisions would certainly create. Yorkshire, on the immediate borders of which there were many distressed parishes, was altogether excluded; and a portion of Lancashire, fifty miles distant from the distressed districts, was included. He begged that he might not be under-

stood as arguing in favour of a general rate in aid; but the rate as proposed would fall so inequitably that he knew that even parishes which had the power refused to apply for a rate in aid, because of the strong feeling which prevailed against it; and he believed the Government would do a popular and a wise thing if they omitted the clauses from the Bill.

Further Amendments made: Bill to be read 3<sup>a</sup> To-morrow; and to be printed, as amended. (No. 203.)

IONIAN ISLANDS—REMOVAL OF  
JUDGES.

ADDRESS FOR CORRESPONDENCE.

LORD CHELMSFORD, in moving for Copies of Correspondence bearing on the dismissal of Sir George Marcoran and Sir Anastasio Xidian from their offices as Ionian Judges, said, he did not intend to go again into the circumstances of this case, but he was anxious to say a word in justification of the course he had taken, which had been misunderstood, if not misrepresented. The transaction, as it appeared to him, was this:—These two gentlemen, of high character and great legal attainments, one of whom had been a member of the Supreme Council of Justice for twenty, and the other for twelve years, had been withdrawn from the bench abruptly, without any previous warning, and without the slightest allegation of misconduct—without, indeed, the slightest reason alleged. The first intimation they received of their withdrawal was the announcement of their successors in the columns of the *Gazette*. They pursued the constitutional course of appealing to the noble Duke the Secretary of State for the Colonies, and the answer they received was that he saw no reason to disapprove the act which had been done by the Senate and sanctioned by the Lord High Commissioner. They made a second application; and in his answer to that the noble Duke said that he trusted their removal after such long services would not be attended with any feeling that those services had not been appreciated by the Government. It was impossible to assume that they had been removed for any misconduct, and he thought himself perfectly justified, therefore, in bringing the case before their Lordships in order to obtain some information upon it. The noble Duke had admitted that he had brought the case forward fairly and temperately—and he had no reason to pursue any other

course, for he could only assume either that there was some hidden cause for their removal with which he was not acquainted, or that the noble Duke had acted under some serious misapprehension. The noble Duke, however, in answering him on that occasion, charged those gentlemen in strong language with having acted the part of political demagogues, or being associated with political demagogues, who misled the people, and also with judicial corruption to such an extent that it became necessary to effect a change in the Court in order to restore public confidence in it. In the papers which had been laid before Parliament on his Motion there was not a single word explaining the causes of the removal of those gentlemen. They did, indeed, contain a justification of the abstract right of removal; and in the case of Sir George Marcoran there was a statement that at his very advanced age—seventy—he might consider himself a very fortunate personage in having held a very lucrative office so long, in a country where there were so many persons seeking employment. What would have been the position of these gentlemen if he had allowed the matter to stand where the first discussion left it? Of course the public, having heard the noble Duke make these charges in his place in Parliament, would have assumed that there was evidence in existence which would substantiate those charges, and would have taken them for granted, just as much as if the evidence had been produced. The noble Duke had attempted to charge him with the responsibility of further inquiry. But all the harm he could possibly do was to elicit, if any existed, those proofs which would otherwise have been taken for granted. Exercising, therefore, what he thought proper discretion, he had invited a further discussion of the matter in order to elicit proofs, if any proofs existed. On that occasion, the noble Duke, forgetting his usual courtesy, charged him with “quibbling” in a manner “only suited to a *Nisi Prius* advocate;” a charge, by the way, which, addressed to a lawyer by his adversary, did not by any means possess the charm of novelty. He could sincerely say that he was entirely unconscious of having laid himself open to any such charge. He trusted that the dignity which always pervaded their Lordships’ House had not produced such a torpor that any one of their Lordships who felt that an injustice had been committed should not be permitted to

resent it, and to express himself warmly upon it. The charge of political demagogism those Judges distinctly denied, and in support of their denial referred to the knowledge of others in respect of their conduct. Then, with regard to the charge of judicial corruption, there was quite sufficient testimony given to their judicial conduct both by their former associates and the present Judges. Mr. Blair, Sir James Reid, and Mr. Lushington, who had taken notes of the Supreme Council of Justice, all bore testimony to the high character of those two Judges; and Mr. Lushington said he should always esteem it an honour to have sat on the bench with Sir George Marcoran and Sir Anastasio Xidian. Sir Patrick Colquhoun, the present Chief Justice, was a witness in their favour on the same point. He presumed that the Report of his right hon. Friend (Mr. Gladstone) could be depended on; and in 1859 Mr. Gladstone stated that both the British and the Ionian Judges were regarded with favour and confidence by the whole population of the Islands. However, his noble Friend had stated that Mr. Gladstone must have been misinformed, or that something must have been withheld from him; but it was impossible, if what was now alleged was true, that charges against those Judges should not have reached the ears of his right hon. Friend in 1859. Again, it was impossible that the Court could have been corrupt merely through the conduct of the Ionian Judges, and without the taint extending to the English Judges also. As for the allegation, that owing to their ignorance of the language of the Ionians and not being familiar with local affairs, the English Judges were, to a certain extent, under the control of the Ionian Judges, the fact was that Sir Patrick Colquhoun and Sir Charles Sargent were both perfectly well acquainted with modern Greek. The Chief Justice had been long resident in Athens; he was perfectly acquainted with modern Greek, and he was a man of great learning, and had published an admirable work upon the Roman civil law. The other English Judge, Sir Charles Sargent, also spoke Greek with the greatest fluency. Another circumstance was that the proceedings were to a great extent not *vis à vis*. On a former occasion, when this case was under discussion in their Lordships’ House, the noble Duke, putting his hand upon a box, stated that he had there proofs of the charges against those learned gentlemen, but that it was



in vain to ask him to produce them, as he would produce nothing more than he had produced. Now, he contended, that the moment that assertion passed from the lips of the noble Duke those two Judges were entitled to insist on the production of the proof to which his noble Friend alluded. Before that statement it might have been supposed that the Judges were the victims of vague rumours, which could only be met by a general denial; but then the statement of the noble Duke showed that those were specific charges; and therefore they had the right to complain that those charges had not been communicated to them, so that they might have an opportunity of defending themselves. They were entitled to be confronted with the witnesses who had accused them, and they were entitled, like the humblest person in this kingdom, to have the charges substantiated by proper proof; and if they were not substantiated, they were entitled to claim an acquittal. He begged to move—

“That an humble Address be presented to Her Majesty for, Copies of any Papers in the Possession of the Secretary of State for the Colonies containing any Charges of Conduct inconsistent with their judicial Office against Sir George Marcoran and Sir Anastasio Xidian, late Judges of the Supreme Council of Justice in the Ionian Islands.”

THE DUKE OF NEWCASTLE said, their Lordships had now arrived at the third stage of the discussion on the non-re-appointment of the Ionian Judges; and, whether they were to have a fourth or even a fifth, or this was to be the last, he thought it incumbent on him, in the course of the few observations which he felt it his duty to make in answer to the noble and learned Lord, to call the attention of the House, and of Parliament, to the course which he had taken in reference to this matter. The first step in the proceeding had been most accurately described by the noble and learned Lord. An appeal was made to him by those Judges—an appeal given to them by the Articles of the Constitution of 1817. It was his duty on receiving that appeal to enter, as fully and as carefully as he could, into a consideration of the case, in order to ascertain, in the first place, whether, as had been distinctly and unequivocally declared by Sir Anastasio Xidian, the course which had been taken in the Ionian Islands with reference to those Judges was illegal; and, in the next place, whether, if it was legal, it was a correct course, and one which

*Lord Chalmersford*

ought to have been adopted. Before deciding the first question, he availed himself of legal opinion; and having done so, and having considered the subject, he came to the distinct conclusion that the course was legal. Having disposed of that point, he considered the second one, and he came to the conclusion that it was just and expedient the re-appointment of these Judges should not take place. At that time a private friend and advocate of those Judges in this country repudiated any intention on their part of appealing to Parliament, and even went the length of saying that such a course would be a most improper one. He did not say that they were not entitled to appeal to Parliament, though, technically, they had not done so, for there had been no Petition from either of them. An appeal was, however, made on their behalf in both Houses; and in the first speech made by the noble and learned Lord, he threw over the idea that there was any illegality in what had been done, though he contended that the law upon the subject had been practically repealed. The fact, however, was clear, that it had not been repealed. A most dangerous precedent was now being set, and one which would not be likely to encourage those who were endeavouring faithfully to serve their country abroad, in administering the affairs of our Colonies. It was impossible that this country could be efficiently served if this course of proceeding were allowed. Was no man to be trusted? Was a man like Sir Henry Storks to be misrepresented, as he had been by the noble and learned Lord, merely upon the statements of private friends of those who thought themselves aggrieved? If this course was to be pursued, it was impossible that we could be faithfully served. Besides this, was such a man as Sir Henry Storks to be allowed no confidential communications with his superiors in order to explain what his motives and reasons were—reasons, perhaps, affecting the private character of other persons? Was he to be forced either to have the whole of those statements published, or else be exposed to the imputation of having acted in a manner derogatory to his position? For his part, he would never desert an officer under such circumstances, or allow a valued public servant to be treated with injustice, even at the risk of being placed in the position which he occupied to-night. For this he took no credit, because he should feel himself disgraced if he took any other

course. Sir Henry Storks was a man who deserved the confidence of Parliament and of the country. During the Crimean war, when our hospitals in the East were in a deplorable condition, he was selected to go out to the East to improve their condition; and he (the Duke of Newcastle) could testify as an eye-witness that the Smyrna hospital, owing to the exertions of Sir Henry Storks, was in a state most honourable to himself and most beneficial to the unfortunate inmates. Then affairs came to a dead-lock in the Ionian Islands; the party opposite sent out first Mr. Gladstone to inquire, and afterwards sent Sir Henry Storks, to be Lord High Commissioner. Sir Henry Storks then held a permanent office in this country, and it was not to his interest to go; but being requested, he went in the interest of the public service. Was this a man against whom charges were to be brought upon mere private representations, and who was to receive no confidence from Parliament? That their Lordships should show a want of confidence in him (the Duke of Newcastle) he did not complain—that was perhaps a legitimate party proceeding—though he did not know that he had done anything to warrant the suspicion that he would refuse to direct the re-appointment of these Judges out of mere caprice or upon light grounds. There had been a misconception or a misrepresentation of what fell from him in his first speech on this subject. In justice to Sir Henry Storks, he had then been compelled, owing to what was alleged on the other side, to refer to the conduct of these Judges. The noble and learned Lord had said he was entitled to ask for an explicit avowal that there had been no misconduct on their part; and, with such an appeal as this, how could he (the Duke of Newcastle) forbear, in justice to Sir Henry Storks, to touch as lightly as he could upon the reasons which had influenced the conduct of that officer? The noble and learned Lord declared, that in his speech last April, he had distinctly charged the Judges with corruption. Now, he defied the noble and learned Lord to point out in his speech any such charge. He certainly had said that the administration of justice was complained of, and it was felt that a change was necessary.

LORD CHELMSFORD said, the noble Duke had gone on to say that corruption was engrained in the very character of the people.

THE DUKE OF NEWCASTLE said, he  
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did not deny the use of this expression; but said that it evidently had no application to the Judges whatever, nor did it follow directly the sentence he had just read. Surely it was not candid or fair to accuse him by such a quotation as this of having made charges of corruption against the Judges. The noble and learned Lord said he had been so severe upon the Judges on that occasion that they could not consent to lie under the stigma. But Sir Anastasio Xidian, in his pamphlet, so far from feeling that there was any stigma upon him, exulted in the fact that the Secretary of State had charged him with nothing discreditable. This, perhaps, was going rather too far, because he had made charges of a certain character. But the noble and learned Lord had apparently come to the conclusion that it was absolutely necessary that the matter should be further prosecuted upon an entire misconception of his speech. He was glad to see so many noble Lords present—asked, no doubt, to come down and record their votes on this occasion. So little interest did this question excite upon the last occasion, that he had addressed his speech at one time to four noble Lords on the opposite benches, and to about five on the Ministerial benches. What was the course adopted then? It was an extraordinary one. There was a speech and nothing more. The noble and learned Lord neither asked a question nor made a Motion. That was a suspicious proceeding. We have heard a good deal about strategic movements on the other side of the Atlantic. This was a strategic movement, in the sense that it was a reconnoissance in force to find out the enemy's strength, to try his position, where his forces were posted, and where his weak points were, so that at some future time an attack might be made with success. Now, the attack was made, and he was told, in answer to a remark of the noble and learned Lord that more papers were wanted, he (the Duke of Newcastle) had said that he had in the box before him plenty of papers to prove the misconduct of the Judges, but that he could not produce them. He begged to say that was not a fair account of his words, because the noble and learned Lord might have referred to the report of what he did say. He begged to tell the noble and learned Lord that he did not say anything of the kind.

THE MARQUESS OF BATH: I heard you with my own ears say so. ["Order!"]

THE DUKE OF NEWCASTLE said, he did not think the noble Marquess took short-hand notes as well as some others who were present, although not members of that House, and therefore he could quote what he really had said, which was—

"The noble and learned Lord probably meant to base upon his present statement a demand for further papers; but though the boxes before him were full of papers"—[he really said half full, but that was unimportant]—"he should certainly, in justice to the public service, decline to produce any others than those which had been laid upon the table."

Those were his words, and he never had said anything about the box containing proofs of the misconduct of the Judges. That was no quibble, nor had he fallen into any difficulty, as the noble and learned Lord seemed to imagine. He hoped that no one would believe him capable of denying anything contrary to truth, and he would certainly have said that which was not true had he said that the box before him contained proofs of the misconduct of the Judges. But there were in that box papers connected with the subject which he had laboriously collected with a view to make himself master of the subject, but which he did not think it would be right to produce. The argument based upon that supposition therefore fell to the ground. The noble and learned Lord proceeded to say that in justice to the Judges the papers should be produced. His objection was that those papers contained the names of persons, who, though no parties to the accusations against the Judges, nor connected in any way with the Government, yet were the names of gentlemen who had no wish whatever to be mixed up in the matter; and he did not think it would be fair to produce to the public those names without first asking for the sanction of the individuals themselves. He thought it would be a dangerous precedent if papers of this kind were to be granted without the sanction of those whose names were mentioned in them. Was it fair in a case like that of the Ionian Islands to produce the names of those who were living upon terms of social intercourse with others who were mentioned, and to show them up as dishonest men without any object for the public service? He had proposed, when the notice was given, to say "Not Content" to the

*The Duke of Newcastle*

production of the papers, unless the names he had referred to were omitted. He was told, however, that that offer would not be accepted. Of course, if the House accepted the responsibility, the papers would be produced; but he could not but think that such a course would tend to create unpleasant feelings and a want of confidence in future in the minds of those who might be called upon to give evidence of facts for the public service. All that he had said had been forced and extorted from him upon each occasion, and he had said nothing beyond what he felt to be absolutely necessary to place the question upon a right footing, and to defend those who were serving the country faithfully and well. He should say "Not Content" to the Motion, but he should not divide the House, for the reasons he had stated. He would not say one word about the contents of those papers, although he believed, according to Parliamentary usage, he would be entitled to refer to them, as they were to be produced; but he should leave the responsibility for their production upon Parliament. He would, however, say that "save me from my friends" would be claimed with reason by some of those whose names were mentioned in the papers. He could not see the use of producing them, for the noble and learned Lord had confessed that there was no remedy even if an injury had been done, except, perhaps, a pecuniary compensation. Thus, the question appeared to be less one of loss of character than of loss of income. If Parliament chose to demand the papers, they would be given; but, at the same time, he felt that great injustice would be done to those whose names were mentioned in them for no fault of their own, and considering the manner in which Sir Henry Storks had been attacked both inferentially and directly, the production of the papers would be a heavy blow to public servants, which might hereafter impede them in the performance of their duty.

THE EARL OF DERBY: My Lords, I had not thought that it would have been necessary for me to have said a single word on this occasion, as I was informed that the noble Duke, although not agreeing with the Motion, did not intend to press his opposition to a division. But I must say that the speech of the noble Duke renders it imperative upon me to trespass upon your Lordships' attention

for a few moments, for I must confess that to me it seems that the course he has announced his intention of taking is at variance with the tenour of his speech and to the arguments which he brought forward. In the first place, as to Sir Henry Storks, I have not heard one word said in the House against him. [Earl Russell: Hear!] I must observe to the noble Earl the Secretary for Foreign Affairs that it is not usual in this House to introduce a laugh as a reply; if the noble Earl has any arguments to use, let him do so presently, but I must request that in this House he will treat me with the ordinary courtesy. I say I have not heard in this House any imputation upon the character or reputation of Sir Henry Storks. I took an early opportunity upon the last occasion of stating the obligations under which the Government of which I was a Member felt themselves to Sir Henry Storks for the manner in which he at once undertook the duties of a responsible and difficult post, which duties, upon the whole, I think he has well performed. But I do believe, that upon the present occasion, not only Sir Henry Storks but the noble Duke also, have been made the dupes of a party which has ulterior objects—very different objects and very different interests from those of the English Government, the Lord High Commissioner, and of the Secretary of State. I do believe that Sir Henry Storks has been misled upon this occasion, and that he has assisted in misleading the noble Duke. The noble Duke at the commencement of his speech referred again to the question of strict legality; but he accompanied that recurrence to the question by a reference to a statement of my noble and learned Friend—that, if not strictly illegal, the course pursued was unusual, if not absolutely unprecedented, and had been carried out in a harsh, abrupt, and, as he thought, improper manner. The noble Duke is known to be a man of the highest and most sensitive honour—let me ask him to take this case. I will ask him to suppose, if it be possible, that filling the high office of Secretary of State for the Colonial Department, he had been honoured with an audience with his Sovereign; that at that audience he had explained the various measures in progress and in contemplation; that he had apparently received the sanction of Her Majesty to the course he was pursuing, and left the presence without suspecting that he had given any cause

of offence. I wish to know what the noble Duke would feel if the next morning he took up the *London Gazette*, and found it there announced that Her Majesty had been pleased to dispense with the services of the noble Duke at the head of the Colonial Office, and had appointed some other gentleman therein named to be his successor. Would he be entirely satisfied by being told that the act was within the prerogative of the Crown to dismiss its Ministers at pleasure, and that it kept strictly within the letter of the constitutional law, and therefore he had no right to complain? But, supposing that he requested a further audience, and expressed his astonishment at the unusual course that had been pursued, and requested to be informed in what manner he had been so unfortunate as to lose Her Majesty's confidence and favour; and that upon being referred to the head of the Government he was told that he had nothing to complain of, that the course pursued was strictly legal, that there had been no violation of the Constitution, that he had been already long enough in the public service holding an office of trust and emolument, and that it was quite time some one else should take it, and therefore the Sovereign deemed that for the public service he should be removed. What would the noble Duke think? Would it have been made more palatable to the noble Duke if the head of the Government had said, "I regret to say that there is a very strong impression—I do not say whether it is true or not—but there is a strong impression that you have perverted your high office for the promotion of your own interests; that you have betrayed your trust; that you have been guilty, if not of corruption, at least of official misconduct. This box has papers in it, I won't say whether half full or wholly full; but of papers, of course papers bearing upon these charges." "I have had charges made," says the noble Duke, "and this box is full of papers." But if the papers did not bear on the charges, to what was the reference? To continue my supposition—"I have got papers in this box, bearing upon those charges; but if you ask me what those charges are, or who makes them, I refuse to tell you either one or the other, and Parliament shall not compel me to produce the papers." I ask whether the noble Duke would not feel that he was in the position of a man whose personal and political reputation had been grossly injured, and whether he

would not adopt every means in his power to compel the production of the charges which had been made against him, and the names of the persons who had preferred them? What says the Roman satirist when speaking of convictions on suspicion?—

“Quibus indicis? Quo teste probavit?”

And he then puts a still more important question—

Quisnam delator?”

It is the *quisnam delator* we want to have from the noble Duke, which he will give and must give, and to the production of which he even now gives a reluctant assent. The noble Duke entirely misunderstands the language of my noble and learned Friend. My noble and learned Friend has never asked to have the names of other persons who are implicated in the charges. All that he has asked for, and what we understood the noble Duke to refuse, are the names of the accusers. The noble Duke said at first, “I suppose you will be satisfied with extracts;” from which of course he may exclude everything that bears upon other persons.

THE DUKE OF NEWCASTLE: I can assure the noble Earl, that when I made the communication to the noble and learned Lord opposite, I was perfectly ready to give the name of the *delator*, as he says, in each case. There was not the smallest objection to that. The names which I hesitate to give are those which the noble Earl now says that he does not want. I could not exclude those names by giving extracts; it would be necessary to employ blanks.

THE EARL OF DERBY: I am perfectly satisfied. We never for a moment supposed that the noble Duke was only refusing to give the names of other persons implicated. The whole gist of our argument was that the Judges had a right to know not only what were the charges which were brought, but who were the parties who brought them. Those and those only were the names which the noble Duke was pressed to give, and those, as we understood, he refused. I rejoice extremely that this explanation has been given, because it bears on the policy and propriety of producing these papers. The noble Duke does not, indeed, repeat the charges, but he seems to imply that no such questions as this ought to be raised; because he says that if Parliament interferes in this matter between the Lord High Commissioner and the Government, you cannot expect to be properly served.

*The Earl of Derby*

The noble Duke acts the part of an honourable man in maintaining and defending his subordinates to the utmost; but when he says that Parliament is not to inquire into any case, because it is possible that it may arrive at a decision adverse to that of the Government, he puts higher than I ever heard it put the doctrine of Ministerial irresponsibility. I understand from the noble Duke, that however reluctant he may be, he will not object to the production of these papers. But, if that is so, I do not understand on what ground he has been so liberal in imputing political and party motives to those who, for the sake of justice, have pressed for these papers; or why we should be charged with bringing this matter forward with strategic objects, and having asked those with whom we usually act to assist us in what we think we are called upon by justice to do. I suppose that the asking assistance from friends is one not absolutely and not wholly unknown to the noble Duke. If I am not very much misinformed, it was not until half past eleven o'clock last night that we were told that the noble Duke had thought better of the matter, and that the attendance of his friends would not be required. Probably, in the interval between the last discussion and yesterday evening, the noble Duke had ascertained, that though he might call, the call would not be readily obeyed. He may even have had some vague suspicion that his Colleagues did not all of them feel so strongly as he did the impolicy and the injustice of producing these papers. I must say that the noble Duke concluded with a most extraordinary position. He concluded by saying that he is satisfied that this course is unjust, impolitic, and likely to be attended with great future disadvantage; but nevertheless, as Parliament insists upon it, he will not divide the House against it. I never before heard such a declaration made by a Minister. Does he believe that the production of these papers would cause serious public inconvenience? If he does, why is it that he consents to do that which he declares to be both unjust and impolitic? Does he mean to say that at this period of the Session it is absolutely impossible for the Government, by calling together those who have confidence in them generally, to maintain any policy which they may think fit; or does he mean to represent the present Government in such a state of weakness that, at this period of the Session more

especially, they cannot give or withhold any papers they please, more especially when they declare that the production will be injurious to the public service? The noble Duke is in this position. If he believes that the production of these papers will be seriously injurious to the public service, either he is neglecting his duty in not resisting it, or he is making such a confession of Ministerial weakness, and I would say of Government division, as was never before made in the face of Parliament either in this House or the other. The noble Duke and the noble and learned Lord on the Woolsack said the other evening that it was very inconvenient that this House should be made a court of appeal from the colonial Courts. I entirely agree with them; but I beg to observe that this is not an appeal from a colonial Court. It is an appeal against the Colonial Office. It is an appeal against colonial officials. It is an appeal on behalf of persons whom we believe to have been most unjustly treated. It is an appeal, if you please, against the course taken by Sir Henry Storks. It is an appeal, if you please, against the conduct of the Secretary of State in confirming and approving the measures adopted by the Lord High Commissioner. It is not an appeal against any judicial proceeding. It is an appeal for the vindication of the independence of justice. And I, for my part, hope that the time will never come when this House will cease to be a court of appeal for any who may believe themselves to be the victims of oppression, of petty tyranny, or of political intrigue. I hope this House will ever continue a court of appeal and a place of refuge for all persons unjustly oppressed in every portion of Her Majesty's dominions, and in every territory which has the happiness to be under Her Majesty's rule.

**EARL RUSSELL:** My Lords, I rise to say a few words in consequence of the allusion which the noble Earl (the Earl of Derby) made to me. It certainly did strike me as very extraordinary that the noble Earl should say that this was not an attack or an imputation upon Sir Henry Storks. The whole case is that the act of injustice has been committed. There can be no act of injustice without some person to perform it, I suppose, and who is the person to perform it but the Lord High Commissioner, Sir Henry Storks? The noble Earl went on to say that Sir Henry Storks had been the dupe of parties who for some intrigue

or other wished for the removal of these Judges. Surely it is an imputation upon a man in Sir Henry Storks's position to say that he has allowed himself to be made the dupe of persons who are intriguing for private purposes! And at the end of his speech the noble Earl said that this was an act not only of injustice, but of petty tyranny. Now, I must ask who is the petty tyrant but Sir Henry Storks? If there has an act of petty tyranny, Sir Henry Storks must be the person who committed it. Considering the position of the Ionian Islands and of the Lord High Commissioner, I think it would be better for Parliament to say that this was an act of Sir Henry Storks, who was worthy of the confidence of the Government which appointed him and the Government which retained him, and that therefore they would suppose that he had reasons which satisfied his mind that it was an act of public wisdom. I say this the more because no one says that Sir Henry Storks wished for the sake of the patronage to appoint two other persons as Judges; no one says that he had any malice against these two gentlemen. There is no apparent cause why we should distrust Sir Henry Storks, and why we should not leave the matter to his discretion and judgment. That he is a man to be trusted every Member of the House, certainly all the Members of the late Government, must admit. The question at issue being not one of the legality or illegality of the course pursued by Sir Henry Storks, but one of the exercise of a proper discretion, it would, I think, have been wise to have given the Lord High Commissioner credit for the proper performance of his duty. With respect to the want of courtesy which the noble Earl attributed to me, I can only say that I did not intend any discourtesy; but I certainly was at the moment struck by the observation that noble Lords opposite did not think that the position or character of Sir Henry Storks were at all considered in the course which they have taken. So far as the observance of the courtesies of debate are concerned, I must say I think I listen to the noble Earl's speeches with quite as much courtesy as he does to mine. He, if I mistake not, sometimes make what appear to be very jocular remarks to his friends near him, which are not generally very pleasant to the person who happens to be addressing the House.

**EARL GREY:** My Lords, I cannot think the noble Earl who spoke last but one (the Earl of Derby) is justly liable to the charge of inconsistency in the remarks which he made with respect to Sir Henry Storks. What I understood the noble Earl to say was, that he shared the high opinion held by your Lordships generally of Sir Henry Storks's character; but I am not aware that he was therefore bound to approve his conduct in the matter under discussion; it is not to uphold that every act of a man's administration is to be justified, because his general character is unimpeachable. I quite admit, I may add, that if this were merely a question of the judgment with which Sir Henry Storks had exercised his authority as Lord High Commissioner, I should have thought it unwise to raise a discussion upon the matter in this House. The case, however, is one, not of the non-appointment of two Judges, but virtually of their removal; the almost uniform stream of precedents being, that if a Judge did not misconduct himself, he was re-appointed at the close of the prescribed term. In our own history, up to the reign of George III., English Judges held their offices only during the life of the monarch; but unless some good reason to the contrary was assigned on the demise of the Crown, the practice, I believe, invariably was that they should receive a fresh commission from the hands of the succeeding Sovereign; and if any name were not re-inserted, that Judge was looked upon as being virtually dismissed. This I regard as a case entirely in point in the present instance—I consider that these Judges have been virtually dismissed by the Lord High Commissioner, and the question is whether Sir Henry Storks was right or wrong under the circumstances in the course which he took with the subsequent sanction of Her Majesty's Government. For my part, I do not dispute the legality of that course; but it should be borne in mind that in the great majority of the British Colonies, up to a recent period, the Judges all held their offices during the pleasure of the Crown, and that the Crown had full power and authority, at any moment, to dismiss them if it was deemed expedient. But it was at the same time maintained, and I think justly, that it would be an extremely objectionable exercise on the part of the Crown of its authority if it were to dismiss those Judges without any grave offence having been established against

*Earl Russell*

them. I myself had while I was at the Colonial Office the painful duty cast upon me of considering the misconduct of Judges; and although I knew that it was in my power to advise their dismissal, I yet thought it was desirable, before that dismissal took place, that a formal inquiry should be instituted, by the result of which they should stand or fall. Here it appears to me the real error has been committed in the case of the Ionian Judges. Sir Henry Storks is a military man, and, not being so well used to civil affairs, did not draw a sufficient distinction between judicial and political offices. That the dismissal of a Judge should have taken place on political grounds I think a grave mistake; but it now turns out that these gentlemen have been dismissed virtually for misconduct. That being so, I maintain they have a right to know by whom the charges of misconduct are made against them. What is the evidence in support of those charges? The neglect in their case has been that up to this moment they do not know who are their accusers. This neglect may be remedied in a certain degree by the production of the papers which are now called for; but no man, I contend, ought to be encouraged in whispering a charge which he will not openly come forward and maintain. I recollect that more than once it happened to me while I held the seal of the Colonial Department that grave complaints were brought to me against public servants in the Colonies. When this occurred, the first question I asked of those who brought such charges before me was, "Will you give me your complaint in writing, and signed with your name, so that the persons you accuse may have the opportunity of defending themselves?" If this was declined, I invariably refused to listen to a word, believing it to be wrong to allow any public servant's character to be whispered away by means of accusations which he has not been afforded an opportunity of answering. It is peculiarly necessary to adhere to this rule with respect to Judges. In the case under discussion the Judges were blamable, or not. If they were open to censure, their offence should have been clearly laid before them, so that they might have been enabled to reply to the charges brought against them. If they were not deserving of blame, you had no right to deprive them of their offices for the purpose of sustaining a particular line of policy. The matter is of importance, because of the absolute

necessity which exists for maintaining throughout the British dominions and in countries under the protection of the British Crown that judicial impartiality and independence which I think the course you have pursued in this instance tends to impair.

**EARL GRANVILLE:** My Lords, it seems to me quite evident, notwithstanding the high opinion which every noble Lord who has spoken says he entertains of the character of Sir Henry Storks, yet that he is the person against whom the charges made in this instance are mainly directed. The noble Earl opposite (the Earl of Derby) at the close of his speech gave eloquent and impassioned expression to the hope that this House should never cease to be a place where an appeal against an act of injustice might be heard; and there is no one I venture to say on either side of the House who does not re-echo that sentiment. But what I think of importance is, that in dealing with distant dependencies, and with a matter which turns principally upon the exercise of discretion in a public servant in whom you place confidence, great moderation ought to be observed in the manner in which charges are brought under your Lordships' consideration. The noble Earl who has just spoken (Earl Grey) says that when he was at the Colonial Office he required persons who came to him with accusations against those connected with his Department to write them down and subscribe them with their names; and that, I believe, is exactly the course adopted by my noble Friend (the Duke of Newcastle). The noble Lord says that Sir Henry Storks has been the dupe of the Senate. If the Senate is to be treated as an entity—if it be thought desirable that some encouragement should be given to that amount of local self-government which exists in those Islands—your Lordships ought to be very careful before you veto what the Senate has done. But if the Senate is to be treated as a perfect non-entity—if you are to ignore it and its acts as completely as the noble Lord seems to desire—I think you will impose a very heavy responsibility upon the Secretary of State. The noble Lord says this amounts to a dismissal. It has been asserted over and over again that it is a non-reappointment; and I cannot conceive upon what grounds the noble Lord censured the person who introduced a Bill for the purpose of repealing this particular provision in the constitution of the Ionian Islands, if it was

not that he thought it convenient that the Government should possess the power of withholding the re-appointment in cases where, without condemning the Judges and without making positive charges against them, it was to the public advantage their offices should be filled by other and better men. I should like to know what amount of blame would not have attached to my noble Friend the Secretary of State, if, after this decision of the Senate, sanctioned by the Lord High Commissioner—who, as all admit, is a singularly able and honourable man—and supported by the papers to which reference has been made, my noble Friend had taken the responsibility upon himself of having re-appointed these Judges in the face of a mass of concurrent evidence from persons on the spot and other evidence contained in the papers. Under those circumstances, instead of being rather baited, as he has been, I think my noble Friend would have been subject to the gravest censure of your Lordships' House.

**THE DUKE OF NEWCASTLE** said, that after what had fallen from the noble Earl (the Earl of Derby) he presumed that the noble and learned Lord would be satisfied with extracts from the despatches.

**LORD CHELMSFORD** replied in the affirmative.

The Motion, as amended, was then put and *Resolved* in the *Affirmative*.

#### *Ordered,*

That an humble Address be presented to Her Majesty for, Copies or Extracts of any Papers in the Possession of the Secretary of State for the Colonies containing any Charges of Conduct inconsistent with their judicial Office against Sir George Marcoran and Sir Anastasio Xidian, late Judges of the Supreme Council of Justice in the Ionian Islands.

House adjourned at a quarter past  
Seven o'clock, till To-morrow,  
half past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, July 9, 1863.*

**MINUTES.]—PUBLIC BILLS—***Resolution in Committee—*India Stock [Remuneration]\*.  
*Second Reading—*Fortifications (Provision for Expenses) [Bill 213]; Augmentation of Benefices [Bill 134]; Promissory Notes and Bills of Exchange\* [Bill 218]; Sydney Branch Mint\* [Bill 217]; Railways Clauses\* [Bill 216].  
*Committee—*Court of Session (Scotland)\* [Bill 116]; Greenwich Hospital (Provision for Widows) [Bill 200]; Metropolitan Main Drainage Extension\* [Bill 215]; Growing Crops Seizure



(Ireland) [Bill 211]; Waterworks Clauses\* [Bill 207]; Waywardens' Contracts (Lords)\* [Bill 205]; Poisoned Grain, &c. Prohibition\* [Bill 121].

*Report*—Court of Session (Scotland)\* [Bill 221], and *re-committed*; Greenwich Hospital (Provision for Widows); Metropolitan Main Drainage Extension\*; Growing Crops Seizure (Ireland); Waterworks Clauses\* [Bill 222], and *re-committed*; Waywardens' Contracts (Lords)\*; Poisoned Grain, &c. Prohibition\* [Bill 223], and *re-committed*.

*Considered as amended*—Fisheries (Ireland) [Sir Robert Peel] [Bill 214]; Navy Prize Agents\* [Bill 219].

*Third Reading*—Misappropriation by Servants\* [Bill 193], and *passed*.

*Withdrawn*—Pilotage Orders Confirmation\* [Bill 206].

#### CONVICTS IN AUSTRALIA.

##### QUESTION.

MR. MARSH said, two years ago a Committee of the House, of which he was a Member, sat upon the subject of transportation, and the evidence taken before them went to prove that the number of Convicts that escaped was entirely insignificant, and the Report was drawn up accordingly. But, by late advices, it appeared that by one vessel no less than forty convicts landed at Sydney, and that one of them was furnished with a complete set of housebreaking implements. He wished, under these circumstances, to ask the Under Secretary of State for the Colonies, Whether the Government intends to take any measures to prevent Convicts who have been transported to Western Australia, from going, after the expiration of their sentence, to any of the other Colonies in Australia?

MR. CHICHESTER FORTESCUE, in reply, said, with respect to the story of the Convicts who landed at Sydney, they had no information about it at the Colonial Office. The Home Government had no power to interfere with Convicts whose sentences had expired—they were at liberty to go where they pleased as far as the Imperial Legislature was concerned. But, with regard to the conditional pardon men, there was a recommendation in the Report of the Penal Servitude Commission which, without pledging the Government to any course, would receive their best consideration.

SIR JOHN SHELLEY said, he wished to know when the Report of the Penal Servitude Commission would be ready?

SIR GEORGE GREY said, it had been laid upon the table last Monday week, and in a few days would be printed, and in the hands of Members.

#### ORANGE LODGES IN PRINCE EDWARD'S ISLAND.

##### QUESTION.

MR. MAGUIRE said, he wished to ask the Under Secretary of State for the Colonies, Whether there has been received in the Colonial Office, a Bill for the incorporation of the Orange Lodges of Prince Edward's Island, British North America; and, if so, whether the Government would think it their duty to advise the Crown to assent to such a matter?

MR. CHICHESTER FORTESCUE stated, in reply, that his noble Friend the Colonial Secretary had heard, with great regret, that a Bill calculated to excite bitter religious animosities had been adopted by the Local Legislature; the Bill, however, had not yet been received at the Colonial Office, and therefore it would be impossible and improper for him to state at that moment what advice the Secretary of State would give to the Crown as to confirming the Bill or otherwise.

#### MONUMENTS IN WESTMINSTER ABBEY.

##### QUESTION.

MR. AYRTON said, the Question which he was about to ask was one which was worthy the best attention of that House. A great number of hon. Members had subscribed for the purpose of erecting a bust of the late Sir George Lewis in Westminster Abbey; but an unexpected difficulty arose. No sooner was the bust offered to the Dean and Chapter, for the purpose of being preserved in the abbey in company with the memorials of other illustrious men, than the Dean and Chapter demanded some £200. He could not think that any person would like to encourage such a demand. He would therefore beg to ask the Secretary of State for the Home Department, Under what conditions monuments erected by public subscription in memory of eminent public men can be placed in Westminster Abbey; and whether it is the fact that fees to the extent of £200 are demanded by the Dean and Chapter for permission to place the bust of the late Sir George Cornwall Lewis in the Abbey; and for what purpose the fees are applied?

SIR GEORGE GREY said, in reply, that not having any information on the subject, he sent a copy of the hon. Gentleman's notice to the Dean of Westminster,

with a request that he would give such explanations as might be necessary. The best answer to the hon. Gentleman's question would be to read the letter which he had received from the Dean in reply. The Dean said—

"The power of granting or refusing permission to erect monuments in the Abbey rests exclusively with the Dean, except when the House of Commons, by a Vote and grant of public money, takes the matter out of his hands. I have invariably refused to allow the erection of statues, as encroaching on space which ought to belong to worshippers, and is already unduly encumbered with stone and marble. The fine and fees, amounting to £200, which have been charged for the erection of a bust and tablet to the late Sir George Cornwall Lewis (being the same as were paid in the case of Sir James Mackintosh) will be thus distributed:—Fabric fund, £184 13s. 1d.; dean and canons, £4 6s. 8d.; clerk of the works and other officers, £11 0s. 3d.; total, £200. The above sum of £184 13s. 1d., apportioned according to fixed usage to the fabric, is not so much spared to the Dean and Chapter, which they must otherwise have spent for the sustentation of the building, inasmuch as a fixed proportion of their income is annually assigned to that object, entirely irrespective of any accidental additions of this kind. If the fees seem high, I can only urge that we are anxious to reduce as far as possible the number of monuments admitted into the Abbey.

#### DELHI PRIZE MONEY.—QUESTION.

MR. PERCY WYNDHAM said, he would beg to ask the Secretary of State for India, Whether the Delhi Prize Money recently distributed amounts to the sum of 3,557,917 rupees?

SIR CHARLES WOOD, in reply, said, the sum distributed did not amount to so much. A certain portion of the whole amount had been reserved in order to meet contingent claims not yet decided.

#### THE HUDSON'S BAY COMPANY.

##### QUESTION.

MR. WYLD said, he wished to ask the Under Secretary of State for the Colonies, If Her Majesty's Government have acquiesced in the arrangements for the reconstruction of the Hudson's Bay Company; if Her Majesty's Government have received from the Government of Canada any remonstrance against the attempts of the Hudson's Bay Company to exercise authority over territories claimed by the Province of Canada?

MR. CHICHESTER FORTESCUE said, in reply, that an arrangement had lately been come to by which the stock of the Hudson's Bay Company was transferred in a great measure to new proprietors, but

that arrangement was one which did not require any interference on the part of Her Majesty's Government. With respect to the latter part of the Question of the hon. Gentleman, no remonstrance whatever had been received from Canada on the subject. He might, however, take that opportunity of saying, that in consequence of a doubt suggested in another place as to the legality of the transaction referred to; his noble Friend (the Duke of Newcastle), although entertaining no doubt himself, consulted the Law Officers of the Crown, and they gave it as their opinion that the transaction was perfectly legal.

#### BREECH-LOADING ARTILLERY. QUESTION.

MR. CONINGHAM said, he wished to ask the Under Secretary of State for War, Whether any measures have been taken by the Government to investigate the merits of Captain Forbes's Breech-loading principle, as compared with Armstrong's; whether this principle has not been already adopted by Russia in the flotilla on the Caspian Sea; and whether the Messrs. Horsfall have manufactured any of these so-called "Clay's" Guns for the British Government?

THE MARQUESS OF HARTINGTON, in reply, said, he had inquired at the War Office with reference to Captain Forbes's breech-loading principle, but he could not find that any communication had been received from Captain Forbes himself on the subject. He was unable to say whether the principle had been adopted by Russia or not. With respect to the Messrs. Horsfall, he believed that the only guns manufactured by them for the British Government were mortars. If the hon. Member, however, would privately put him in possession of the information which he had received on the subject, he would be happy to institute the proper inquiries.

#### THE QUEEN'S BAYS.—QUESTION.

MR. ADAM said, in the absence of his hon. and gallant Friend (Colonel Sykes), he would beg to ask the Under Secretary of State for War, Whether the roster of relief of the Cavalry Regiments in India is interrupted in the case of the Queen's Bays, which had been ordered home in November 1861, at which time the regiment was greatly reduced by the loss of ten officers and 161 men in four years, and

by volunteering, and which still remains below its strength?

THE MARQUESS OF HARTINGTON replied, that the arrangements with respect to the sending out and recalling of regiments on foreign service were matters which were entirely within the control of the Commander-in-Chief. The Commander-in-Chief was not bound by any particular rule, but it was his duty to make such arrangements as might appear to him most conducive to the public service. With respect to this particular case, it became necessary at the termination of the mutiny to establish some roster for the return of regiments, and his Royal Highness in preparing it took into consideration the previous foreign active service of the several regiments. Although the Queen Bay's had been one of the first regiments sent out, but very few months elapsed before they were followed by other regiments. On the principle laid down by his Royal Highness, instead of being the first, their place was low down on the list, and no orders had been ever sent out from home to recall them. He believed, that when the reduction of the cavalry force in India was about to be made, the Commander-in-Chief in India gave the Queen's Bays notice to hold themselves in readiness to return. However, in consequence of the roster, their position was altered, and they had never received the order to return.

#### THE CROWN SOLICITOR.

##### QUESTION.

MR. COX said, that on every Tuesday and Friday the *London Gazette* contained a list of bankrupts. Since the passing of the late Bankruptcy Act very many of the cases in bankruptcy were stated to be conducted by a solicitor of the name of Aldridge; and in the subsequent newspaper reports of those cases that gentleman was called the "Crown Solicitor," and it was reported that he was paid at the rate of from £6,000 to £10,000 a year for this business. He would therefore beg to ask Mr. Attorney-General whether there is in the Court of Bankruptcy, Basinghall Street, London, an officer called "The Crown Solicitor;" and if so, what his duties are, by whom and under what authority he was appointed, what his remuneration is, whether the same is paid by fees or salary, and out of what fund it is paid?

THE SOLICITOR GENERAL said, in the absence of his hon. and learned Friend

*Mr. Adam*

the Attorney General, he was much pleased at the Question having been asked, as it afforded him an opportunity of clearing up a matter which had been rather extensively misrepresented. In the first place, there was no officer called the "Crown Solicitor." That was a title to which the gentleman referred to had no claim. The facts of the case were these. When the late Bankruptcy Act passed, a very great number of pauper bankruptcies took place, among persons discharged from prison, and others becoming bankrupt *in forma pauperis*; and it was necessary to make some provision for the care of these bankrupt petitioners. The Commissioners were of opinion that a gentleman should be appointed for that purpose; and the Lord Chancellor, acting upon that opinion, appointed the gentleman named by the hon. Member for Finsbury, who had, he (The Solicitor General) believed, discharged the duties of the office, if office it could be called, entirely to the satisfaction of the Commissioners. Office, however, strictly speaking there was none. The gentleman was only appointed so long as there should be occasion for his services, and during the pleasure of the Lord Chancellor. His duties were the ordinary duties of a solicitor, in aid of pauper bankrupts, who, as he had previously stated, had been exceedingly numerous. With regard to the question of remuneration, he (the Solicitor General) was also glad that the hon. Member had stated to the House the very extraordinary reports which had reached him as to this gentleman having received from £6,000 to £10,000 a year. When he stated the figures, he doubted not they would greatly relieve the hon. Gentleman's mind; but, at the same time, he was bound to say the amount was much more than the Chancellor had anticipated, or than the gentleman would receive for the future. The fact was, the Commissioners settled a scale of fees, which was adopted by the Lord Chancellor for one year, in order to see how the matter would work. The scale fixed was £3 for each bankruptcy, with a contingent percentage if assets should be recovered. The first year, the gross receipts—(out of which a considerable staff of clerks had to be paid, together with actual expenses and disbursements, which the Lord Chancellor estimated to amount to one-third of the total sum received)—were £2,795 odd. This appeared to the Lord Chancellor to be considerably too much, because it gave an average of something more than £1,600 a

year after deducting the payments out of pocket. When, therefore, the account of the third half-year reached the Lord Chancellor, he ordered the scale to be reduced from £3 a case to £2, the effect of which was that for that half-year Mr. Aldridge received £774 gross, which, deducting the out-of-pocket expenses, would give him about £550 for remuneration. As long, then, as there was a large number of these bankruptcies, it was obvious that such a person was necessary, and the present arrangement, which had been entered into before notice was given of the present question, was that, the out-of-pocket disbursements being paid, the gentleman should receive the fees at £2 a case up to £1,200, as a maximum remuneration. If the fees did not amount to so much, he would take the fees as they were; if they amounted to more, he would only receive £1,200. That was an arrangement which the Commissioners thought fair and reasonable for the very important and very arduous duties which that gentleman had to perform. The money, it should be remembered, came out of the funds which the Act of Parliament had placed under the control of the Lord Chancellor.

MR. E. P. BOUVERIE said, he wished to know whether there was statutory authority for the appointment of this officer at £1,200 a year?

THE SOLICITOR GENERAL said, he had already explained that no "officer" had been appointed at a permanent salary; and that the present very large number of pauper bankrupts would be unable to get the benefit of the recent changes in the law of bankruptcy without some such arrangement as the present. The Lord Chancellor had the power to regulate the mode in which the appointment and payment should be made.

#### MALTA AND ALEXANDRIA TELEGRAPH CABLE.—QUESTION.

MR. CRAWFORD said, he would beg to ask the Secretary to the Treasury, if he can state the nature and extent of the injury sustained by the Malta and Alexandria Telegraph Cable; and whether it is true that some months will probably elapse before the line will be repaired so as to admit of the transmission of messages as heretofore?

MR. PEEL replied, that according to the accounts which had been received by the Treasury the injury to the wire occurred

about seventy miles from Alexandria, in comparatively shallow water. The line was at present under lease, and the responsibility of repairing the injury rested on the lessees. Being unable to procure a suitable vessel in the Mediterranean, the parties had come to this country and hired a vessel, which was now being fitted up. She would leave England on Monday next, and should the weather be favourable, they expected that the line would be in working order in about a month from the present time.

#### JAPAN—PROTECTION TO BRITISH SUBJECTS.—QUESTION.

MR. BAILLIE COCHRANE said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether it is true, that while Her Majesty's Chargé d'Affaires in Japan has sent an Ultimatum to the Japanese Government declaring War if the reparation demanded for certain grievances is not granted, he has at the same time announced to the British residents at Yokohama that there is not a sufficient force at present in Japan to guarantee perfect safety to the Foreign community in the event of an attack in force by the Japanese; and that British residents at Yokohama were therefore individually advised to adopt such measures for their security as might be in their power, so as to be prepared for the contingency of hostilities being decided on?

MR. LAYARD replied that every possible means would be adopted to afford protection to all British subjects in Japan in the event, which he trusted would be avoided, of war commencing. At the same time, in a scattered population like that of the British in Japan, it had been thought advisable that Her Majesty's subjects there should be acquainted with the state of things, and communication had accordingly been made to them warning them that war might arise, and advising them to take every means in their power to provide for the safety of themselves and their property. He believed that this was a common precaution, and one always taken under such circumstances.

MR. BAILLIE COCHRANE: That is not an answer to my Question. Was it not stated to the inhabitants that there was not a sufficient force to protect them in the event of hostilities?

MR. LAYARD: Of course it would be very difficult to protect individuals so much

scattered about; and it was a precautionary measure to put them on their guard.

COLONEL SYKES rose, amid cries of "Order!" and was understood to put a Question.

MR. WHITE: Before the hon. Gentleman replies, I wish to ask—["Order, order!"] It is in reference to Japan. ["Order!"]

MR. DISRAELI said, he rose to a point of order. He was sure that great inconvenience would arise from a number of Questions being put to Ministers at the same time. This had arisen from the experience on the old Motion of moving the adjournment on Friday; but it would be much more convenient that Questions should be asked and answered separately.

MR. WHITE: My Question has reference to Japan, and had reference to the question put by the hon. Member (Mr. Baillie Cochrane). The Question I was about to ask is this—Whether, as we have had letters from Japan up to the 30th of May last, the Government has been informed a further time has been given to the Japanese for replying to the British Ultimatum? I have heard of a delay of ten days.

MR. LAYARD: I am not aware that any such intimation has been received. I was at the Foreign Office an hour ago, and at that time such information had not been received.

#### CIVIL SERVICE IN INDIA.

##### QUESTION.

MR. ADAM said, he would beg to ask the Secretary of State for India, Whether his attention and that of the Supreme Government and other authorities in India has been directed to the present mode of selecting and training young men for the Indian Civil Service; and whether he will lay upon the table any Correspondence or other Papers relating to this subject?

SIR CHARLES WOOD was understood to say that he was not at present prepared to give the information required by the hon. Member.

#### TAXATION OF LABRADOR.

##### QUESTION.

MR. HENRY SEYMOUR said, he would beg to ask the Under Secretary of State for the Colonies, If he is aware that the Legislature of Newfoundland have, for the first time, taxed the Coast of Labrador, although its Inhabitants are unrepresented in the Newfoundland Legislature;

*Mr. Layard*

and if he can lay upon the table of the House any Correspondence with the Governor of Newfoundland relating to this subject?

MR. CHICHESTER FORTESCUE said, in reply, that within the last day or two the Government had received an Act passed by the Legislature of Newfoundland which did impose Customs Duties, though not for the first time, on that portion of territory mentioned in the question. The Coast of Labrador was not included within any of the electoral districts of Newfoundland, and, technically, the inhabitants were not represented there. He believed, however, that they were few in number and much scattered. His noble Friend the Secretary of State for the Colonies, had only just received the Act in question, and would be ready to consider any of its provisions which might be deemed unjust or oppressive. There would be no objection to produce the Correspondence.

#### CARRIAGE ROAD FROM ST. JAMES'S PARK TO CHARING CROSS.

##### QUESTION.

SIR HARRY VERNEY said, he would beg to ask the First Commissioner of Works, Whether it is the opinion of the Government that a carriage road ought to be opened from Charing Cross to the Mall in St. James's Park; and whether, if it is thought desirable, he will take an early opportunity of carrying it into effect?

MR. COWPER said, he regretted to state that he was not able to give as full and complete an answer as he could have wished to the Question of his hon. Friend. The project of opening a carriage entrance at the north-east corner of St. James's Park had not yet assumed that practical shape which would enable it to be discussed at present. As a preliminary step the road through Spring Gardens would have to be widened, and a house removed which interfered with the proposed carriage way. He had not heard that the parochial authorities were disposed to make provision for any improvement of that kind.

#### FORTIFICATIONS BILL—ORDER OF BUSINESS.—QUESTION.

SIR MORTON PETO said, he wished to know, Whether it would be more convenient to the Government that he should bring forward his Amendment with regard to the Spithead Forts in Committee or on any other stage of the Fortifications Bill?

VISCOUNT PALMERSTON: I should think, Sir, that the Committee on the Bill would be the most regular stage for the Amendment. The hon. Member can then move to strike out from the Schedule the forts to which he objects. I would beg leave to state to the House that we propose to take Supply at the morning sitting to-morrow, and to express a hope that hon. Gentlemen who have Motions to make on going into Committee will postpone them till the evening. Whatever progress we may make in Supply to-morrow, at least the Packet Service Vote will not be taken till next week, and hon. Members will have plenty of opportunities of bringing forward their Motions on the subject.

#### FORTIFICATIONS (PROVISION FOR EXPENSES) BILL.

[BILL 213.] SECOND READING.

Order for Second Reading read.

VISCOUNT PALMERSTON: Sir, in moving the second reading of this Bill I need say but little. The House is, I believe, quite aware of the condition of the matter. There are fortification works to the extent, including the purchase of land, of about £7,000,000, which have been sanctioned in principle by the House, with the exception of the Spithead forts, which were reserved last year for further consideration. The House will see, by the schedule attached to the Bill, that the greater part of the works already sanctioned have made considerable progress. Some of them have been completed rather under and some rather over the original Estimates. On the whole there is a small saving on the aggregate amount. When we come into Committee, at the proper time for considering the question of the Spithead forts, I shall, I hope, be able to show that the experience of the American war, and the great progress and improvement made in our guns, have justified the opinion of the Government that these forts would be a very material and important addition to the defences of Portsmouth. To say nothing of the iron-clads which have been crippled or sunk in America, we have by experiments in this country ascertained that we have guns which, at 800 yards, can send both shot and shell through a target representing the side of the *Warrior*, and there is reason to believe that equal results can be obtained even at a distance of 1,000 yards. This is not, perhaps, the proper time for going into details on these points; but when we are in Committee, I

shall be quite ready to discuss the matter. Sir, I beg to move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR FREDERIC SMITH rose to move the Amendment of which he had given notice—

"That no further expenditure be incurred for the present upon that part of the project for fortifications which is based on the assumption that an enemy might land in force and attempt to besiege Portsmouth and Plymouth, except on such works as are in a very advanced state of progress."

The hon. and gallant Member said, he proposed this Amendment because we were at the present moment in a position to stop the further progress of works which he believed to be unnecessary. He was as anxious as the noble Lord, or any other Member of that House, that the country should be put in a state of complete security; but it was to the fleet that this country must mainly look for its defence. Our fleet was now fully equal to that of France; and if it were ever allowed to fall below that strength, a great responsibility would rest on the Government that permitted it. England never could be successfully invaded if the strength, of the navy were maintained. Some of the works sanctioned by Parliament were so far advanced that it might be unwise not to proceed with them. There were others, however, in which less progress had been made, and some even not commenced; these being unnecessary, ought either to be given up at once, or, at any rate, executed on a reduced scale. He was satisfied, that if the fortifications were constructed on the system and to the extent recommended by the Commissioners, and approved by the Government, so many troops would be required to man them that we should be left without a sufficient army to meet the enemy in the field. So long as we maintained our naval supremacy—and it would be our own fault if we did not—there need be no fear of invasion. But in the event of a war with France, what would most probably be the first aim of that Power? Her first object must be to drive us from the sea. That she could never do if we had an efficient fleet. But suppose that by any neglect of ours she could succeed in doing so, or in obtaining a temporary superiority at sea, what would be her next object

—to make a descent on our coasts, for the purpose of destroying a dockyard or two, or of 'marching straight upon the capital, and striking a decisive blow there? In his opinion, the latter policy would be adopted. It would be the easier, because one or two general actions would decide the fortune of the war, while the other plan would involve a long siege, attended, in all probability, with very doubtful results, because no military man could question that the forces of the country, regulars, Militia, and Volunteers, would succeed in raising the siege. In order to destroy a dockyard a bombardment was not sufficient. Under the most favourable circumstances a bombardment would destroy only a certain number of vessels on slips, a certain number of store-houses, and a certain quantity of combustible matter; but it could not destroy docks nor wharves, nor iron, nor even timber, as in the event of attack that could be put into the water. For a comparatively small object the enemy would incur enormous risks—the risk of losing their army and endangering their fleet. In point of fact, the operations contemplated by the advisers of the Government could not be successful. What he wanted was that such works as were not far advanced should not be proceeded with. Let the works in which any considerable progress had been made be carried out, but let the others—some of them as already stated not having been commenced—be stopped for the present. Nothing could be more extravagant or absurd than to expend millions on fortifications which he firmly believed would never be required. If we had 70,000 or 80,000 regular soldiers, 150,000 Volunteers, and an army of Militia and Yeomanry, he should like to know how 100,000 Frenchmen, or a much larger force, could land on our shores? Where were they to come from, and how? We knew from the experience of the Crimea how difficult it was to land troops on the coast of an enemy. The landing at Old Fort, owing to the difficulty of disembarking horses, occupied five days in calm weather and with a smooth sea, and yet our force consisted only of 26,000 infantry, artillery, and 1,000 cavalry. He apprehended that it would be impossible to land in this country under ten days or a fortnight an army of such magnitude as would give the least chance of success either in the field or in sieges; and he thought the English Commander-in-Chief would easily manage to prevent the landing on our

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shores of such a force, with a siege train and cavalry—especially since we had got railways converging to every part of the coast, and giving the power of concentrating all the troops in the country on any point in less than twenty-four hours. But supposing an enemy were to land without encountering any serious obstacle—supposing they landed near Portsmouth or Plymouth, in one case their right and in the other their left flank would be most seriously exposed. But the noble Lord at the head of the Government had remarked on a former occasion that they might land in Chichester Harbour. That would be utterly impossible, for it was a tidal harbour, dry, or nearly so, for sixteen hours in every twenty-four. His own opinion was that they would select Christchurch. There, if anywhere on the south coast, there were facilities for a landing; but no military man would believe that an army could march from Christchurch to Portsdown Hill without being exposed to attack and almost the certainty of defeat. Of course, their object would be (if not to march on London) to destroy Portsmouth docks—not by bombardment, but by capturing the place. Such an invading army would have no base of operations, and in the attempt their rear would be exposed to the whole of our army; or if, on the other hand, they attempted to keep up communication with the place of landing, that would absorb one-half of their force. But he was not prepared to admit that a descent would be made at all. An army for the invasion of England could not be congregated anywhere without our knowledge, and what would our cruisers be about? We blockaded the ports of France when all the navies of the world were against us, and why could we not do so again? How could such an army get out of their own ports? And with our fleet in an efficient state what would become of their transports? Even if the enemy were to succeed for a brief period in obtaining possession of the sea, and were to destroy or seriously damage one or even two of our great Royal arsenals, the Government might apply with confidence to the private yards of the country to supply the deficiencies caused by the loss of Portsmouth or Plymouth. But in the event of the enemy marching upon London, and not being defeated on the march, the consequences would be far more disastrous to us. Supposing that a landing were ever attempted, he thought it far more

likely that the French would land on the coast of Kent or the eastern part of Sussex. If they landed in Kent, they might march to London without having anything in the shape of a fortification to obstruct them, by keeping the Maidstone route. They might take possession of Woolwich and Deptford, for neither of those places were defended. The Commissioners had strongly urged the necessity of defending Woolwich; and yet, though there were enormous stores in that arsenal, the Government had not put up a single redoubt for their protection. They were told that there was a chance of the bombardment of Portsmouth by vessels entering by Spithead. Now, he was not prepared to allow that Charleston was at all a case in point, as the Government pretended; and he should like to hear the noble Lord the Secretary to the Admiralty say that it was. There was a tide setting out of Charleston against the invader; whereas in going into Portsmouth there was a strong tide setting into the Solent at the rate of several knots an hour. Again, it appeared that the guns on Fort Sumter were Dahlgren guns of about thirteen inches in diameter. Moreover, at Charleston there were torpedoes and other obstructions; but the noble Lord the Secretary to the Admiralty would hardly think of putting up such obstructions at Portsmouth, where they would shut out his own ships as well as the ships of the enemy. Under these circumstances, he thought they must not depend upon their forts alone, if they had them, at Portsmouth; and if they had those forts constructed, and had guns upon them which should really deter an enemy from making an attempt to force the passage, nobody would be more rejoiced than he would be. If these works were carried out, he trusted that the noble Viscount would not experience disappointment from them. If he could see the matter in the same light as the noble Lord, he would be the last man to advocate a different course from that the Government desired to pursue; but he did not think the greater part of the proposed outlay was necessary, and therefore he was very desirous that some of these works should be stopped. He would not oppose the completion of the works that were already far advanced; but he would undertake no new and, as he believed, unnecessary works. However, we had not yet got the guns that could bar the entrance of the Solent placed on forts two thousand

yards apart, and until we had he should consider it a waste of the public money to expend it on the construction of such forts. The noble Viscount seemed to suppose that all the works were far advanced; but, judging from the Returns presented a few days ago, up to the 31st of March last there had not been one halfpenny laid out upon the north eastern works of Plymouth, which were, he believed, to cost £135,000. Surely these could be stopped. Let the ground be occupied with field works instead of with permanent works. That would secure all that was required, and effect a considerable reduction of expense. A great proportion of the work expected to have been done in the course of the year just passed had not been executed. The eastern division at Chatham had not been touched. £500,000 was the estimate for it. Temporary rather than permanent works would be quite sufficient there, and therefore a considerable portion of the expenditure might be saved. He wished to know whether any land had been purchased at Chatham for these works? [The Marquess of HARTINGTON believed that the land had been purchased.] He saw no sum put down in the Votes to meet the charge—he supposed, that although the right to the land had been acquired, it had not yet been paid for. He hoped that in the Portsdown range all that would be done would be to complete the ditch with some flanking field works. It should be remembered that we had already a line of fortifications for the defence of Portsmouth Dockyard, besides the Hulsea Lines, and the works were already so formidable that a successful attack was almost out of the question, unless by a regular siege. The idea of the Duke of Wellington was, that it was very desirable to protect Portsmouth on the Gosport side, because he thought it possible that a French squadron might get into the Solent, and shell the dockyard from the neighbourhood of Gosport. The Duke was quite right in that idea, and a French officer in the Mediterranean stated to a distinguished officer in our own navy that that was one of the objects at which, in case of a war with this country, the French would aim, and that they would consider it a great advantage if they could at almost any cost destroy the wooden ships in that harbour. But it should be borne in mind that our fleet was henceforward to consist mainly, if not exclusively, of iron vessels, and that the



same danger would no longer exist in that quarter. He believed there was no necessity whatever, for many of the costly works which it was proposed to construct in the neighbourhood of Portsmouth. It was a maxim in warfare that a besieging force should be three times as strong as the force within the inclosure it was attacking, while it should at the same time possess a covering army; and as we could easily throw in a force for the defence of Portsmouth, how, he would ask, could the French land an adequate force for its attack, and for a covering army? Did any one believe that the forces necessary for such operations could elude our navy and cross the Channel in safety? He could account for the fact that a number of engineers, when asked to point out the works necessary for the defence of our shores, should have taken care not to omit from their report any one point at which we could by any possibility, however remote, be considered assailable. But the Government themselves had not thought it desirable to give effect to all the recommendations of the Commissioners, and he was persuaded that many further savings might be made from that costly project. The Commissioners had recommended the construction of a powerful redoubt for the defence of Woolwich; and had given excellent reasons why such a work should be undertaken, and yet their advice in that matter had been totally disregarded. He wished to know whether the proposed works at Chatham had been given up altogether, as nothing had of late been done for their completion. He certainly would not recommend that the works at Chatham should assume anything like the extensive dimensions proposed by the Commissioners. He believed that the dread of an invasion was a complete bugbear. [Mr. COBDEN: Hear, hear!] There was such stuff in Great Britain, that if any French army ever attempted to put a hostile foot on our soil, it would be made their last resting-place. Their fleet, he should hope, would never be able to take them back again. His hon. Friend opposite (Mr. Cobden) had stated that he would be the last man to recommend a reduction of the fleet. He did not know whether his hon. Friend was opposed to fortifications; but, at all events, he felt satisfied he would never begrudge what was required to maintain our superiority at sea. [Mr. COBDEN: Hear, hear!] Was the Volunteer force a mere myth and a

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sham? If it were not, from what he had seen of them he should not be afraid tomorrow to see our shores defended by Volunteers alone, with artillery and cavalry, against any force that could be brought against them. The history of the Crimean War showed that to land a hostile army was a difficult thing even when not opposed; but when opposed in sufficient force, the operation was one of great peril, and might be regarded as certain of failure. It could not be performed by night; it must be done in broad daylight. But even supposing that our fleet had been destroyed, and that the enemy had effected a landing, how was he to accomplish his object of marching on the metropolis, or against Portsmouth or Plymouth? Before he could have returned with a second freight of troops he would find his first made prisoners. They could not stand their ground in face of the force we could bring against them, unless we locked that force up in our forts. Under all the circumstances, he had looked at this subject with great calmness, but with a sense of responsibility, and he had therefore felt it his duty to put on the paper the Amendment of which he had given notice. He hoped the noble Lord would admit that some of these works might be stopped, and he had so drawn his Amendment as to suspend only those as to which he doubted if they would ever be useful. It was clear that the Government had cut down some of the works which had been recommended by the Commission; and that being so, they had not entirely relied on the Commission. On what were they relying now, and on whose opinion? He hoped the noble Marquess would explain why nothing was doing at Woolwich. The Commission had given excellent reasons why works should be constructed there, but these had been totally disregarded. Then as to Chatham—although it might be said that he was advocating the cause of his constituents—was Chatham to be given up altogether? He recommended his Amendment to the consideration of the House, and he hoped it would be seen that he did not wish to stop works which had made considerable progress, but he did wish to suspend others as to which there was no great haste, and which he thought would never be required.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no

further expenditure should be incurred for the present upon that part of the project for Fortifications which is based on the assumption that an enemy might land in force and attempt to besiege Portsmouth and Plymouth, except on such works as are in a very advanced state of progress,"—*(Sir Frederic Smith,)*  
—instead thereof.

SIR DE LACY EVANS said, he was sorry that the hon. and gallant Gentleman (Sir F. Smith) had attached so much value to his humble opinions. He concurred in much that he had said in regard to Portsdown Hill. Last Session there was a discussion on the proposal of the Government to build five forts there. The hon. and gallant Gentleman then alleged—and he agreed with him—that two forts would be ample for the purpose of defence. When, however, the hon. and gallant Gentleman told the House, as he had now done, that invasion was a bugbear and that we ought to rely entirely upon our wooden walls, he could not go with him at all. [SIR FREDERIC SMITH: I would not rely on our wooden walls alone.] Well, nearly so. But if the hon. and gallant Gentleman thought that invasion was a bugbear, he ought to object altogether to this expenditure. He could not concur in this opinion, for he was one of the first Members of the House who appealed to the noble Lord at the head of the Government to place our arsenals in a permanent state of security: it would therefore be absurd in him now to turn round and say that this expenditure was extravagant and unnecessary. The proposal of the hon. and gallant General would, however, put an end to nearly the whole of what had hitherto been done. It had been decided by the House that a sum of £7,000,000 should be raised on loan. [MR. BERNAL OSBORNE: By terminable annuities for thirty years.] The credit of this proposal was due to the right hon. Member for Stroud (Mr. Horsman). The course taken was very judicious, because it was clear that the House and the country would rather spread the burden over a certain number of years. He would admit that there was great danger of extravagance in works of this kind, but he had great confidence in the Prime Minister, who took a lively interest in this subject of fortifications, and who, above all men, was competent to grapple with it. His hon. and gallant Friend said, that the money would be thrown away—that we were not exposed to the casualties of war, and that we might always rely upon a powerful Channel fleet. He (Sir De

L. Evans) believed we might always do so, while the noble Duke (the Duke of Somerset) was at the head of the Admiralty. He wished his noble Friend might long enjoy that position, but he did not think it was so certain that we should always have the means of collecting a large Channel fleet. It was to be remembered that we had great Colonies, and that our foreign trade was of greater extent than that of any other country. If a war should break out—and the politics of the world were rather precarious—was it not possible that a large portion of our maritime power might be dispersed over various and distant parts of the world, protecting those Colonies and the vast commerce of the country? If that were so, the Government were bound to take some precautions, and among them one of the first was the establishment of fixed defences. He trusted that the noble Lord at the head of the Government, without yielding to the proposition to arrest the progress of the works, would place some restriction upon the professional men who were acting under his sanction. With all respect for the Engineers, who were a very able and admirable body of officers, if they were called upon for plans there would be no limit to their propositions, and they would fortify all round the island. The Commissioners who considered this subject made recommendations for the defence of the country which were more important and more urgent than even the erection of those forts. They pointed out that Woolwich was our great military and artillery dépôt, and yet that it was almost without defence. They therefore recommended the construction of some strong redoubts and works for its protection. They also advised that an arsenal should be selected in the centre and interior of the country. Those were very judicious proposals, but nothing had been done to carry them out. The Commissioners made other suggestions for defending the approaches to the metropolis and protecting the great shipping establishments, but no attention had been paid to them. He had felt bound to say that he could not go the length of his hon. and gallant Friend, because if it was true that invasion was a bugbear, this expenditure was altogether useless.

THE MARQUESS OF HARTINGTON wished to take the earliest opportunity of answering the discursive inquiries with regard to details that had been addressed to him by his hon. and gallant Friend the

Member for Chatham (Sir F. Smith), although it would perhaps have been a more convenient course if these inquiries had been deferred until the Bill got into Committee. His hon. and gallant Friend appeared to be under some misapprehension with regard to the purchase of the land required for these works. If he had looked at the schedule, he would have found that the total estimated cost of land required for the whole of the works was £1,030,000. Up to March 31st, 1863, there had been expended of that sum £739,770. That left a balance of about £300,000; but although that sum had not been actually paid away on the 31st of March, yet all the arrangements had been made for the purchase of land, and liability to the full amount had been incurred under contract; so that the money either had been paid, or would be wanted for this purpose shortly—that was to say, the whole of the land required for the works mentioned in the schedule was either actually in the possession of the Government, or would shortly be. The first of the works criticised by his hon. and gallant Friend was the Portsdown Hill forts. They, however, hardly came within the scope of his Amendment; because so much progress had been made with them that even his hon. and gallant Friend would not object to their being completed. Of the five forts proposed, and which were determined upon last year, four had progressed considerably, and were in such a state, that if required for any emergency, they could soon be completed. There was only one fort on which little had been done. The hon. and gallant Gentleman recommended that the Hilsea forts should not be proceeded with any further; but it was not the intention of the Government to make any change with respect to them. Owing to the failure of the contractor, those works had not been pushed on as they would have been otherwise, but a sum of £26,000 only had been spent, the balance of the £45,000 voted for these works remained still in hand, which would be quite as much as would be wanted before the Bill could be brought in next year, and he believed a contract had been completed for continuing the works to the extent of that sum. The Amendment of the hon. and gallant Gentleman was, he believed, chiefly directed against the north-east defences of Plymouth, which had not yet been commenced; but though apparently directed only against a portion of

the Bill, the Amendment, coming as it did as an Amendment on the second reading, if accepted, would be fatal to the whole Bill, and would stop all further progress of the works this year. The question put to him with regard to the Plymouth forts involved a very large question, which was debated when the measure was first introduced last year, and to which—so far as any decision could be said to be binding on them—the House was pledged. With regard to the Spithead forts, experiments had taken place, and were constantly going on, which might make some difference in the view with which these works might be regarded. But nothing had happened since the scheme was presented to the House to induce them to change their opinion with regard to the land defences recommended for the protection of the dockyards. It was argued by the hon. and gallant Gentleman that the difficulty of landing a force, and of supporting that force when landed, would be so great that no serious invasion of an army large enough to do damage to our dockyards was really to be apprehended. But if that were a valid argument, it would go to prove that the Volunteer force, the growth of which the country had taken so much pride in watching, was totally unnecessary. If the difficulties of an invading force landing on the coast and keeping up their communications were so great, it followed that no invasion was to be apprehended, and that the Volunteers were raised for a purpose totally useless.

SIR FREDERIC SMITH said, that the Volunteers were a force that would prevent a landing, if such a thing should be attempted.

THE MARQUESS OF HARTINGTON said, that our 160,000 Volunteers were not always under arms; and if they were, they could not all be concentrated on one spot. In these days of steam it was necessary to be prepared for the most rapid movements. The hon. and gallant Gentleman had not supported his opinions by any military authorities which would induce the House to agree with him. On the contrary, the principal military authorities took a very different view. At all events, the Commission, which had considered the question very carefully, came to the conclusion that it would be useless to fortify the coast to a distance of some three hundred miles in order to prevent invasion, when it was perfectly possible, in the temporary absence of the fleet, that an attack might be made upon certain points for the purpose of de-

stroying our dockyards. The object of the forts was to enable the Volunteers and militia to act with effect against any invasion which might take place. If there were no fortifications, the enemy might land infantry and field artillery only; they would be thus able to meet upon equal terms any force which might be brought against them; and having no works to penetrate, they might enter our dockyards with little or no opposition; but if there were works to protect our dockyards and arsenals on the land side, the enemy would be compelled to bring with them a heavy siege train, and their movements would be proportionately impeded. And although some of our Militia and Volunteer regiments might be safely trusted to meet an enemy in the field, still a great number of them were not on anything like an equality with the regular troops that might be brought against them. The object of the fortifications, therefore, was to enable those Militia and Volunteer regiments to fight upon equal terms with perhaps a superior force of the best troops in the world. He thought the details of this measure would be much better discussed in Committee. He only wished to remind the House again, that if they assented to the Amendment, the Bill would be entirely defeated. The House had come to a resolution in favour of fortifications; they had shown that they considered the protection of the dockyards a vital point; and that being so, it would be derogatory to their character if they were to adopt the Amendment, the effect of which would be to postpone the measure to another year.

MR. COBDEN: Sir, If the question before us were one involving technical considerations, I should be the last person to presume to offer any opinion upon it. If it were a question, for instance, as to what forts should be established, what batteries should be erected on the sea-coast to command the navigation, to control any roadstead, or to protect the entrance to any harbour, I should naturally consider it a matter for scientific men, engineers, and artillerymen, to decide upon. But this is a totally different question. It is a new question, the question of inland forts; and to prove this I will, with the permission of the House, read the briefest possible extract from the Commission itself, giving directions to the Commissioners what their duties were to be. The Commissioners say they will have especially to consider

"All such works of defence as are intended for the protection of our Royal arsenals and dockyards in case of any hostile attack being made by foreign enemies both by sea and land."

In a subsequent memorandum of Instructions, signed "Sidney Herbert," he says—

"The Commission will also consider what steps should be taken for defending the approaches to Woolwich, and what defensive works, if any, it may be necessary to construct with a view to its protection against an attack by land; which would at the same time form an important element in the means of the defence for the metropolis."

And in the reply of the Commissioners on the subject of a central dépôt, which was recommended to their consideration by the Secretary at War, Sir Harry Jones says—

"A new arsenal, involving as it must considerable outlay in fortification, as well as the maintenance of a large garrison, should, we think, be so situated as to form a rallying point for the defenders of the country in the event of London falling into the hands of an enemy."

I want to draw attention to these extracts, because they show that what is contemplated by this scheme of fortifications is not the protection of the roadsteads, not the defence of the harbours; but that the scheme was prepared on the assumption of an enemy having landed in this country, and taken possession of the interior. I wish to bring this fact under the notice of the House for another reason. I am going to show that this scheme is entirely attributable to one person. It may be said that the Commissioners are also responsible for it; but I wish the House to bear in mind that the Commissioners were professional men in the service of the State, and had their instructions to devise a plan for inland fortifications. It does not follow, that if you had taken these gentlemen apart from the Commission in which they served, they would have been in favour of these fortifications, and therefore I do not hold them responsible for the origin of the scheme. They would have given you a plan for the defence of London, Edinburgh, Manchester, or any other place, if they had been ordered to do it, and it would have been their duty to do so. I am of opinion that this scheme is entirely attributable to one person, and I dare say that that person is in the mind of every hon. Member here present. And if that one person were absent from this House from any cause whatever, I venture to say that this scheme would not go on. The other day it was put off because that one personage was absent; and my hon. Friend the Member for Birmingham (Mr. Bright), who

was sitting beside me when the notice of postponement was given because the noble Lord at the head of the Government could not attend, said rather drily to his next neighbour that nothing bad could be done unless the Prime Minister were present. I am not going to make this assertion without proof, and I hope the noble Lord at the head of the Government—for it is to him I allude—will deal with this subject on its merits; and if in reply to my statement he will substitute a few facts and arguments for jokes and pleasantries, I shall be much obliged to him. I have sat for a long time in this House with the noble Lord. When I first took my seat in 1841, the noble Lord was pursuing the same course with reference to fortifications and defences against France as he is now with respect to these fortifications. He was then twitting Sir Robert Peel, and charging him with neglecting the honour of the country in not being sufficiently prepared against aggressions from France. I recollect that the reproaches he now makes to individuals like myself, filling the most humble positions, he then addressed to Sir Robert Peel, when the Duke of Wellington was one of his Government, and Lord Aberdeen the Minister of Foreign Affairs. From 1841 to 1846 the noble Lord was constantly reproaching the Government that they were not fortifying the country nor increasing the army and navy in order to defend us against some imaginary attacks from France. I often took a part with my Friend Mr. Hume against the noble Lord, and in opposition to these views. But the question now before us—that of fortifications—had its origin in a peculiar fancy—I might almost call it an idiosyncrasy—of the noble Lord—namely, that steam navigation has had the effect of diminishing our power in comparison with the power of France. I am so well acquainted with all that has been said on this subject that I am able to be very exact about it. The first time the noble Lord launched this idea in this House—an idea which he has so pertinaciously adhered to—was on the 18th June 1845, and the following extract from *Hansard* of that date is interesting:—

“He remembered, when he had the honour of being at the Foreign Office, that the Prince de Talleyrand, talking to him of some animating debates which had taken place in the French Chambers upon foreign affairs, and contrasting them with the comparative indifference exhibited by that House on the subject, said, ‘You have a much easier task to perform in your House

than our Minister for Foreign Affairs has in his, and I will tell you the reason. And what did he say? You have no frontiers—that is to say, your naval defences are so secure from foreign attack that you do not feel that interest in foreign affairs which they deserve.’ But he (Lord Palmerston) said that the extension of steam navigation, and the facility which railways on the Continent would give to the rapid concentration of troops, did, to a certain degree, give us those frontiers, the absence of which Prince Talleyrand thought was the ground of our indifference to foreign affairs, and did call upon Parliament to pay greater attention to those means which might serve to protect that frontier.” [3 *Hansard*, lxxxi. 523.]

That is the noble Lord’s idea—the most extraordinary idea that an inhabitant of Britain could entertain—that steam navigation has given an advantage to any foreign country over England—steam, which has given us another arm, I may say, of war, for which we have all the raw materials at home—which has substituted coal and iron for timber and cordage—the timber and cordage coming from Russia and America, and the iron and coal being found at our feet in greater abundance than anywhere else. The noble Lord has the idea that the substitution of steam for sailing vessels has placed us in a disadvantageous position relative to France; and that idea has pervaded the noble Lord’s speeches ever since. He recurred to it very shortly afterwards—and I would read an extract here, because there is a point hanging to it to which I would call the noble Lord’s serious attention, if he can be serious. Bear in mind that the noble Lord launched this extraordinary idea about steam being a disadvantage to England on June 13, 1845. On July 30 in the same Session he said—

“In reference to steam navigation, what he had said was, that the progress which had been made had converted the ordinary means of transport into a steam-bridge.” [3 *Hansard*, lxxii. 1223.]

I could not understand exactly the meaning of “steam-bridge,” but that word has pervaded the noble Lord’s speeches from that time to this. Sir Robert Peel, who spoke immediately in reply, said—

The noble Lord (Lord Palmerston) appeared to retain the impression that our means of defence were rather abated by the discoveries of steam navigation. He was not at all prepared to admit that. He thought that the demonstration which we could make of our steam navy was one which would surprise the world; and as the noble Lord had spoken of steam-bridges, he would remind him that there were two parties who could play at making them.” [3 *Hansard*, lxxiii. 1223.]

What authority has the noble Lord ever adduced to justify this opinion upon which

we are acting, and spending millions and millions of money. I discard, as I said before, the authority of the Commissioners who were appointed to devise the scheme of fortifications, because their instructions were to frame a scheme upon the assumption that an enemy was attacking us on shore. But we have had great authorities in this House, and out of it, who have pronounced upon this subject. I remember perfectly well that when Admiral Berkeley, then one of the Lords of the Admiralty, was examined before the Committee which sat upon the navy in 1848, he distinctly said he thought that steam, if we made proper use of the advantages which it gave us, would afford the best possible security against invasion from France. In the following year I sat upon the Committee of Inquiry into Ordnance, and before that Committee we had Sir Thomas Hastings examined. We all know that he was at the head of our gunnery department, and had been selected by Sir Robert Peel's Government in 1845, when Sir George Cockburn was in Office, and the Duke of Wellington was at the head of the army. Sir Thomas Hastings, who had presided over the Commission for Inquiry into our Defences in 1845, stated, before the Committee on Ordnance in 1849, the same opinion as had been expressed in the year before by Admiral Berkeley, and he stated it almost in the same terms. Then we have the opinion of Admiral Sir Charles Napier on this subject. Sir Charles Napier and the noble Lord were confederates from 1841 to 1846 in constantly teasing the late Sir Robert Peel for an increase of armaments. But what was Sir Charles Napier's opinion of the invasion panic? He thought it was a species of monomania, and he distinctly disavowed the opinions of the noble Lord about steam navigation. He said that so far from steam giving an advantage to the enemy in landing on our shores, it for the first time made a real blockade practicable—that we should by its means be enabled to blockade foreign ports more effectually than we had ever done in former times, and to prevent France sending ships from her coast as she once did to Ireland. But we have had a speech from the hon. and gallant Member for Westminster (Sir De L. Evans)—a speech which I confess I could not understand, for half of it was one way, and half the other way. The hon. and gallant Gentleman, however, did not speak in that way in 1852, when on the question of the Militia, the noble

Lord again recurred to the idea that steam had bridged the Channel, and boldly asserted, to the amazement of everybody in the House, that steam would enable France to throw 50,000 or 60,000 men on our shores in one night. The hon. and gallant Gentleman then gave us the benefit of his large experience, and showed how impracticable was anything of the kind. [Sir DE LACY EVANS: But who was then at the head of France?] Who was at the head of France at that time? Why, the present Emperor. But it was not a question of will at all—it was a question of practicability. If hon. Gentlemen will read in *Hansard* what was said by the hon. and gallant Gentleman in 1852 on the practical impossibility of such a force as the noble Lord talked of being thrown suddenly on our shores, they will find a very good answer to the rather milk-and-water speech he has made just now. But not only have the authorities I have mentioned separated from the noble Lord on this subject, but Lord Russell, in 1852, on the question of the Militia, in a very blunt manner separated himself from the noble Lord, and declared that he could not agree with him in his fantastical idea of a sudden invasion of this country, and said that that idea had its origin in panic and not in reason or argument. Therefore, I say the noble Lord stands entirely alone in this matter. [Mr. BERNAL OSBORNE: Milner Gibson.] Oh, Mr. Gibson was of course opposed, but I do not consider my right hon. Friend an authority on such matters. Therefore, I say that the noble Lord stands entirely alone on this question. When the noble Lord in 1860 brought forward this scheme of fortifications, which was the culminating folly of all he had been saying and doing in opposition to Sir Robert Peel, one of the wisest and most moderate Statesmen that ever existed in this country—I mean, of course, on this question of armaments—when the noble Lord brought forward this scheme, he thought fit to justify himself by repeating the same words he had used in 1845, and telling us again what steam had done. Did he quote any authority in his favour? No, but he misquoted one. He said he remembered Sir Robert Peel to have observed that steam had bridged the Channel, and that practically, for the purposes of war, we had ceased to be an island. On that occasion I read the extract which I quoted to-night, and informed him where he could find proof that he had misrepresented the right hon. Gentleman in a way that must have

been peculiarly offensive to him could he have known it; for I am sure he would have abominated the scheme as heartily as any one in the House. I now tell the noble Lord, in the presence of one who is a more appropriate guardian of the fame of the late Sir Robert Peel than I am, that he is bound to recall the statement, which was only an error last year, but which, reiterated after his attention has been repeatedly called to the misquotation, becomes a falsification, and an injustice to the illustrious dead. To attribute language to a man the very reverse of that which he used, and, when the mistake has been pointed out, to leave it uncorrected, is to act the part of a calumniator. I trust, therefore, that the noble Lord will withdraw the sole authority he cited in his support. Is there anything that commends itself to our common sense in this matter? Is there anything in it on which, not being professional, one can form a judgment? The noble Lord says that steam has given a great advantage to the enemy. How has it done so? Has the enemy more steam than we have? Let us come to facts. In old time, when sailing vessels were the test of strength, our mercantile marine compared with that of France had about five tons to one of France. But if we compare our steam mercantile marine with that of France, you will find that we have 20-horse power at least for every one of France. Is it possible that that can have rendered us more vulnerable, which has so multiplied our comparative strength? I have here an extract from a French writer, M. Xavier Raymond, who has written a very valuable volume on the navies of England and France. He does not attribute our naval superiority, which he frankly admits, to our dockyards; he distinctly says he does not. He does not attribute it to anything that the Government has done or is doing. He attributes our great superiority to our advantages in regard to our private establishments. He writes this passage for our consolation—

"History proves, that although in a contest upon land nations may have sometimes been successful, even when attempting what appeared an impossibility, yet they have invariably sacrificed themselves when they have attempted to carry on a naval war on a scale not justified by their natural resources."

Well, now, our natural resources are measured by our resources in our engines, in our mercantile steamers, in all those things which give us a great superiority in the world's market, and in all those materials

which make up a steam navy. What is doing upon the banks of the Tyne, the Clyde, the Mersey, and the Thames? There are vast establishments there for building steam ships for the merchant navy—ay, and ships of war too. These establishments build ships for all parts of the world. It is an industry that almost ranks with some of our old staple manufactures, so enormous is the amount of shipbuilding going on in your great rivers for foreign countries, and not merely for foreign merchants but foreign Governments. But is not that your strength in case of a naval war? and do you suppose that any civilized Government is so foolish that it does not estimate your power at its true value as measured by these resources? There is one point upon which I must make a remark. It is a delicate one. Sir Howard Douglas is no more. He was stated in this House by Mr. Herbert to have been the party to whom the Government mainly trusted for guidance in this system of fortifications. Since last year the Memoirs of Sir Howard Douglas have been published, and we know what passed between him and the Government on the subject. In January 1860 Sir Howard Douglas appears to have given his final decision with regard to this fortification scheme. He had just then attained his eighty-fifth year. In consequence of his feeble state of health he was unable to take part in the Commission over which he was asked to preside. I am no longer young, I must now rank myself with elderly gentlemen—but when we reach eighty-five Nature does not revoke her invariable laws—no, not in favour even of her most favoured sons. I maintain, then, that a person of eighty-five, suffering under infirmity, and too feeble to take part in the Commission, was not competent to fill the post of adviser on a great question like this. But there are other reasons for demurring to his opinions. Sir Howard Douglas, it was well known, did not march with the times. He had written an admirable treatise on gunnery when gunnery was very different from what it now is; and he would not accept shell guns fired horizontally. He would not accept iron-clad ships—indeed, his biographer tells us that his opposition to the iron-sides actually hastened the decline of his life. He died in the belief that the old wooden line-of-battle ships would still play an important part in naval warfare, and he recommended fortifications under the impression that Portsmouth har-

bour would be crowded with huge wooden vessels, and that the dockyards would be stocked with the combustible materials required for building them. But change the character of the ships—suppose that you have, as it is now generally admitted you must have, iron-clad vessels, and you change the whole case. Your dockyards will no longer be filled with timber, and you will be obliged more and more to intrust the building of iron ships to private yards. Thus the only authority quoted by the noble Lord was Sir Robert Peel, who was misquoted, while the only authority quoted by Mr. Sidney Herbert was Sir Howard Douglas. Therefore, I say, if acting under such advice, and surrendering itself entirely to the guidance of the noble Lord, who cannot have much more military experience than myself, as he never rose to a higher grade than captain of the militia, the House accepts this scheme, it must be quite effete and degenerate. We have had a speech from the noble Marquess (the Marquess of Hartington) in favour of this scheme. It was rather surprising to hear the noble Marquess arguing in favour of the fortification scheme after having twice voted against it. I was really sorry, to see one so young able to do it so coolly. I should have thought it would have required more hardening to enable a young nobleman to get up and defend so glibly a measure which he opposed a year or two ago. One thing, however, was quite clear, that the noble Marquess knew nothing about the subject. He said, for instance, that the Portsmouth Hill fortifications were only a mile or two distant from Portsmouth. All I can say is, that last January I walked along the whole length of these fortifications, and found them at least six or seven miles from Portsmouth. But what are we doing on those Downs? I only wish the House could adjourn for one day to those South Downs. We should find my native scenery and the atmosphere there a great improvement on what we have here to endure. I am sure, if we could hold one Session under Nelson's Monument, which is close to one of those enormities of forts, we should do one of two things. We should either vote that the fortifications should be stopped, or else we should pass a Resolution that Englishmen should never more sing "Rule Britannia" or "Ye Mariners of England." The idea of putting those immense fortresses upon those Downs! What does it imply to our naval service? Why the

shade of Nelson must be startled at the very contemplation of it. It is founded upon the assumption that an army has landed in force in England, and upon landing has marched to the South Downs; and that unless we were there with our previous fortifications, they would occupy the South Downs and throw shells into Portsmouth Harbour, a distance of six or seven miles. I will not say a syllable with regard to strategy on my own authority—I know nothing—but I think I heard the gallant Captain the Member for Wakefield (Sir John Hay) say it was much easier to shell Portsmouth Harbour from the sea than from the South Downs. An enemy could range his fleet if he were master of the sea (and if he were not it would be impossible to land an army)—I say he could range his fleet much nearer to Portsmouth than he would be upon the South Downs, and shell Portsmouth much easier than if he had to carry his men and material to the top of the South Downs. But does anybody suppose if an army was landed upon the south coast it would go to the top of the South Downs to besiege the forts? I calculate it would go to London, or Brighton, or somewhere else a great deal more agreeable. What are you doing there? Assuredly, if I had not seen those fortresses, I could not have believed that in my age and generation such an enormity could be perpetrated with the sanction of this House. There you have a succession of vast fortifications—great precipitous ditches dug in the chalk hills, such excavations, such enormous gashes in the sides of those beautiful Downs, that even those quarries where they have been digging chalk for agricultural purposes from the time of the Romans do not present such a deformity to the eye as do those fortifications. Inside those precipitous ditches you have your enormous fortresses, your casemates and barracks, so that the army may be under bomb-proof; and for what? For a body of English soldiers when Frenchmen have landed to take refuge in, whilst they walk on to London undisturbed! My hon. and gallant Friend the Member for Chatham has said it will require an army larger than we can command to occupy all those forts. Now, where is the necessity for building these solid structures in that way? where is the necessity for all that brickwork? where is the necessity for all those highly-finished embrasures for time to gnaw away? Does not



Hampshire contain 30,000 agricultural labourers and Sussex the same number, every man with spade and pickaxe in his hand, and every one accustomed to use them? In twenty-four hours you might have 50,000 of them upon those Downs, who would soon throw up mountains of earthworks to give you all the protection you want. It requires no scientific knowledge at all to understand that. But what say the military and naval men? I do not believe you can find in all Portsmouth a member of either service under fifty years of age—I will stipulate for that—but is not only opposed to those fortifications, not only disgusted at them, but absolutely humiliated—because, they say, it is a standing reproach and stigma upon the manhood of the age to assume that we are to take refuge in those fortresses, prepared for us before-hand as the very signal and symbol of our defeat and dishonour. I have heard good citizens of Portsmouth say, that when they go out by railway in the direction of Havant, they sit with their backs to the engines, or cover their faces, so greatly are they ashamed of them. Now there is one piece of strategy I must allude to, because I got it from good authority. I got it from a man who has suffered in battle, and who knows something about it. He says, these things are put up because we are told that guns are now fired at longer ranges than formerly. That is all to our advantage in preventing an enemy landing on the coast; for inasmuch as the rifle has increased its range much more than the cannon, and he says, "Give me 10,000 riflemen, and only let me have two hours that they may dig their rifle pits, and I will defy any enemy to land from boats." Your rifle carries from 800 to 1,000 yards. At 800 yards I have seen your riflemen put their bullet into the target eight times out of ten. Your artillery has not increased its range in the same proportion, and there is nothing of that kind you do not derive a benefit from rather than a disadvantage. But my objection to this scheme is that it is a disgrace and dishonour to our age and to Englishmen. It is new to this country; it was never tolerated in former times. I will read what Mr. Pitt said in 1804, when there really was a danger of invasion of this country, and how does he propose to meet that? He says, speaking on March 15th, 1804—

"Our first defence is by our larger ships; our next in the shallows by our flotilla of gunboats; the third expedient is to prevent the landing of the enemy; and the fourth and least convenient

*Mr. Cobden*

is, when they have gained a footing on English ground, to meet them in the field."

That was the language held by a Minister in 1804, when there was a danger of invasion from the greatest warrior that ever lived. Are we degenerate, that we now want those casemated fortifications to hide ourselves in? The hon. and gallant Gentleman the Member for Chatham has said he only wishes to stop that portion of the inland forts which have not arrived at any great perfection. Well, I shall vote with him without any qualification; but, for my own part, I think that the nearer they are to completion the more desirable it is they should be stopped, and for this reason—if you have these completed forts, you must have soldiers ready to man them; if they are not completed, they do not involve that necessity. I should say, therefore, in whatever state they are, these inland fortifications ought to be stopped. I again repeat I offer no opinion whatever upon forts dominating the sea; it is a matter entirely of engineering skill and for the judgment of artillerymen, and I defer to the balance of authority on that point; but I say that these inland fortresses, unless there is some sinister motive in view, unless somebody means to apply them to some other end than defending us against foreigners are dishonouring to the age in which we live. We never know, with regard to these grand schemes, how we stand. They are so insidiously advanced that nobody knows where we can stop them after the project is once before us. How stands the scheme of the great central arsenal at Cannock Chase? We know what the central arsenal will be. It will be a vast fortress—a *point d'appui* to fall back upon and protect the inland parts after the enemy has possession of the metropolis. I should like to know what has been done in this matter—whether, for example, any land has been purchased? ["No!"] Well, there is an estimate put down of £150,000 for land; but I hope the purchase will not be made, because if the land is bought, there will be a railway or a canal made to serve as an argument for going a little further. But I should say, let all these South Down fortresses, and those inland fortresses at Plymouth and elsewhere be stopped, unless it is shown, upon some better authority, that such things ought to be done in this country. Before sitting down I wish to say one word that has reference to hon. Gentlemen on this side of the House. The Amendment before us has been brought

forward on the other side by an hon. and gallant Member whose acquaintance I first had the honour to make when he was filling the high and responsible position of an inspector over this very system of engineering and fortifications. I do not know any one in this House who ought to be looked upon as a higher authority than the hon. and gallant Member for Chatham. He has seen long and active service; I take it that his judgment in this matter is entitled to our consideration, and of course he would not oppose the scheme of the noble Lord at the head of the Government unless he had strong convictions on the subject. But the hon. and gallant Gentleman sits on the other side of the House. We sit on this side. Now, I wish to say that this gigantic scheme of fortifications appears to me to be calculated to inflict the most permanent wound—I use the word advisedly—upon the reputation and good fame of the so-called Liberal party of anything that we have done in this Parliament, which I think has been famous for ignoble deeds. Here we are, at the instance of the noble Lord at the head of the Government—everybody admits at his instance alone—without any private Member having a word to say in justification, with every man among us shrugging his shoulders in private, voting this measure; and what is its purport? It is not as if we were building some great breakwater, or throwing a million or two into the sea, there leaving it to its own career of usefulness or uselessness. We are laying down a great scheme of inland fortresses, which will require an enormous armed force to render them safe or useful, because the moment you have these vast forts built you must man them in order to protect them from a *coup de main* from an enemy. Our conduct now will be remembered in after times, and I put it—it is probably the lowest motive I could appeal to—to all those hon. Gentlemen who wish for a future for the so-called Liberal party whether they are acting wisely in identifying themselves or allowing themselves to be identified, with this monstrous measure proposed by the noble Lord at the head of the Government. I shall probably not open my mouth again on the subject, because I am not qualified to discuss the details; but I thank the hon. and gallant Member for Chatham for giving me an opportunity of entering my humble but most earnest protest against this scheme of inland fortifications.

SIR JAMES FERGUSSON said, the

hon. Member for Rochdale (Mr. Cobden) had begun by stating that he was about to deal with a subject which possessed no technical character; but he had not fulfilled his pledge, because he had discussed a question which more than any other in its details required technical and scientific knowledge, in a spirit of rash confidence in his own opinion, such as was never excelled by any North American General who had got his army into trouble. The hon. Gentleman had inveighed in no measured language against the proposals of the Government on account of the policy on which they were founded, and the waste of money involved, as he alleged, in their execution. Now, if the policy of this scheme of national defences had not been approved again and again by the country at large, it never would have arrived at its present stage; nor if the public had not felt persuaded that these works were likely to effect a great saving of public money at all times, and peculiarly in a time of national emergency, it never would have confirmed the course taken by that House in voting large sums for their construction. It would be a waste of time to criticise the crude project which the hon. Member and some of his friends thought better than that of the Government for resisting the progress of an enemy in the event of his landing on our shores. The hon. Gentleman talked of our riflemen repelling an invader, and of the sufficiency of earthworks thrown up in the moment of danger by the agricultural labourers of Sussex. No doubt, if war could be carried on by amateur means, much money might be saved; but it was just because experience showed, that if a country were not well prepared, if its weapons had not been thoroughly sharpened, it must suffer, not only in the crash of actual warfare, but in its diplomacy and in its commercial relations, that it was necessary to provide beforehand all that was essential to its safety. The hon. Member said there was but one person peculiarly responsible for this scheme, which the House had again and again sanctioned. In one respect he (Sir James Fergusson) was ready to give his assent to that statement. There was one person whom the country had particularly to thank for the security in which, as far as this project had gone, it was placed; and no part of the noble Viscount's career had gained him so much public confidence and popularity as his resolution, so well known, that the country should be properly pro-

tected. One would fancy from the hon. Member's speech, that fortifications, especially for our dockyards and arsenals, had never been heard of till within the last few years. Why, since the French war, and before it, we had been fortifying. The hon. Gentleman must know that at Portsmouth there had for centuries been established a considerable system of permanent defences, which, according to the lights of our forefathers and the science of gunnery in their days, had been deemed sufficient; and in every age Parliament had, as occasion required, provided for this means of national defence. It was very remarkable that the opponents of this scheme dragged forward authorities to support their own opinions in a manner totally at variance with the real opinions of those authorities. He had been surprised at hearing the hon. Baronet the Member for Finsbury (Sir Morton Peto) citing almost every witness who gave evidence before the Commission in favour of the fortifications, and particularly in favour of those at Spithead, as though they had really been adverse to the scheme. The hon. Baronet had picked out of their evidence a bit here and a bit there, misrepresenting words in such a way that those who had used them would not know them again. He was much surprised when he heard this; but he was astounded when he heard the hon. Member for Rochdale quoting Mr. Pitt as an authority against fortifications. Everybody must recollect that one of the precedents for the present scheme of the Government was the very scheme proposed by Mr. Pitt himself. Mr. Pitt himself moved a Resolution to this effect—

"That it appears to this House that to provide effectually for the security of Her Majesty's dockyards at Portsmouth and Plymouth by a permanent system of fortifications, &c., was essential to the safety of the State, &c."

This, he thought, was a complete answer to the extract adduced by the hon. Member for Rochdale. [Mr. COBDEN: The present proposal is for land defences, Mr. Pitt's were sea defences.] He could state with the utmost confidence that Mr. Pitt proposed both land and sea defences. But even if the defences Mr. Pitt proposed had been only sea defences, they furnished a powerful authority against the views of those Gentlemen who so strongly condemned the erection of the new forts at Spithead. The hon. Member for Rochdale opposed the scheme of the Go-

vernment on economical grounds, and said the construction of fortifications was unworthy of a brave nation. Why, if there was one ground more than another on which the Commissioners rested their recommendations, it was that these land fortifications would supply the place of a larger army than we were likely to have at command. So, too, marine forts would set free a number of our ships for offensive movements against an enemy. He could not see how it could be a departure from the traditional courage of our fathers to fortify our arsenals. It would not be an act of courage, but of foolhardiness, to leave open those keys of our strength, those treasuries of our armaments, which, once gone, would place us at the mercy of an enemy. The hon. Member was not entitled to say the Royal Commission had no right to be called into court. Their peculiar studies, and their knowledge of the movements of armies, enabled them to point out the quarters where danger might be expected, and how it could be best guarded against. Did other nations neglect fortifications? The experience of the Crimean war had an important bearing on this matter. It was precisely against those dockyards and arsenals of Russia which were protected by outside forts that our ships were powerless, while to those which were unprotected by such forts the fire of our ships was most destructive. The analogy between Charleston and Portsmouth had been decided. He (Sir James Fergusson) thought it very complete—at least, there would be a great similarity between Charleston harbour and the position in which Portsmouth would stand when the proposed fortifications existed. The fortifications raised in America, which were far from being fieldworks, but were of a permanent character, nearly resembling those by which it was proposed to defend our dockyards, had been of immense service in warding off attack and preparing ultimate victory. It was said that there was a strong tide at Charleston harbour, but was there not a strong tide at Portsmouth harbour? In all parts of the world permanent works had been found to make a nation safe from sudden aggression, and had always checked the advance of an enemy. The House and the country had long since made up their minds in favour of these fortifications, and they were not likely to be converted by anything which had been said to-night.

COLONEL DICKSON said, it was not often

*Sir James Fergusson*

that he agreed with the hon. Member for Rochdale (Mr. Cobden), but on this question he fully agreed with his arguments. He had always given the scheme his most steadfast opposition, and he was pleased to find the hon. Member holding the same opinions, and giving utterance almost to the same language which he had used on a former occasion. He thought that the attack made on his speech by the hon. and gallant Baronet the Member for Ayrshire (Sir James Fergusson) was both unfair and unsuccessful. His hon. and gallant Friend said that the hon. Member for Rochdale had quoted disingenuously the opinion of Mr. Pitt; but it was the hon. Baronet himself who was open to that accusation. The hon. Baronet would find that Mr. Pitt proposed by his Resolution to provide for the security of the dockyards of Portsmouth and Plymouth by a permanent system of fortifications, founded upon the most economical principle, and requiring the smallest possible number of troops. Was there a single individual Member of the House who could conscientiously say that those fortifications were planned with any regard whatever to economy or to the number of men employed? The hon. Baronet adopted the habit of standing forward to praise the noble Lord at the head of the Government, whether he deserved it or not. He said the noble Lord's greatest claim to the popularity he enjoyed with the country was founded upon this scheme of fortifications. He (Colonel Dickson) was aware that at the time the scheme was brought forward there was a frantic idea in the country about invasion, and that every one ought to be a Volunteer, and that some fine morning we should wake and find the Emperor of the French landed, and a Frenchman at everybody's bedside. But very notable reasons had been given by the hon. Member for Rochdale for a change of opinion with respect to the measure of the noble Lord. If the scheme were brought forward now for the first time, the great majority of the country would object to this most enormous—and he would almost say most criminal—expenditure of the public money. He agreed with the hon. Member for Rochdale that they should never have commenced those fortifications, and he would now sooner see the whole of them rased to the ground than that they should be continued. He believed that an invasion was utterly impossible. A sufficient number of the enemy's troops could not be brought

to their own seaboard for embarkation without full and timely notice being given to this country. With such full and timely notice, did any hon. Gentleman think it would be possible for any foreign Power to invade them? Supposing an invading force were landed, did any one think that they would be allowed to escape alive? The great point from which they dreaded danger was France; but the Emperor of the French having lived in England one-half his life, and associated with military men in this country, was not likely to run the risk of landing an army in England. Why expend this public money to fight against a mere myth, and resist an enemy which had no more idea of invading their shores than we had of invading the shores of France? The House of Commons was there not only to consider the defences of the country, but also in the cause of their constituents with respect to the public purse—and when he considered the condition of his own country, and when he saw that a few thousands of pounds were denied for reproductive public works, which might give employment and bread to his starving countrymen, he could not consent to this criminal waste of the public money.

MR. C. BERKELEY asked the noble Lord at the head of the Government how it was that in the schedule of the first Act the total cost of these works, including site of central arsenal and other incidental expenses, was estimated at £6,860,000; while in the schedule of this Bill it was put at £6,920,000, being an increase on all the items of the schedule of £60,000.

LORD FERMOY said, he had voted against the original proposition to spend eleven millions of the public money on fortifications, and he should vote against the present Motion. The hon. and gallant Baronet had no authority for saying that the people were in favour of this fortification scheme; and he believed that if the people were appealed to, its supporters would find that they had reckoned without their host. No one who had yet spoken had given any real reason for spending this immense amount of money in fortifications. Something had been said as to the practicability of an enemy landing on our shores; but, assuming that France was the enemy referred to, how was it possible that she could invade England, unless England pursued such a system of foreign policy as should isolate her altogether from the other nations of the

world, and leave none to support her? The idea of a French invasion was a mere myth; and it was perfect madness to bury in works, which would be not only unproductive and useless for defence, but injurious, the sum of £11,000,000; it might rise to £20,000,000 before they were finished, while they had in Lancashire and Ireland, and even in this metropolis, an amount of poverty and unemployed labour which was a disgrace to them. When the people of England came to reflect on this policy—for it was a policy which had been adopted by the Government—he was sure they would decide by a large majority against it. He was as ready as any Member to acknowledge the ties of party, but from the first he felt the noble Lord at the head of the Government had adopted an erroneous course upon this subject—a course not only injurious but suicidal to the Liberal party—and he should this evening give a cordial vote in favour of the Amendment.

MR. NEWDEGATE said, it was impossible for him to concur in much that had fallen from the hon. Member for Rochdale (Mr. Cobden), but he cordially agreed in the opinion expressed at the conclusion of his speech as to the serious objection that existed to the formation of a central fortress in England. He entered his protest against such folly as creating a "Quadrilateral" in the Midland Counties. He believed that he knew the feelings of the population of that neighbourhood; he had long represented them, and it was his firm belief that they would consider the erection of any such fortress as a manifestation of distrust on the part of the Government. He would impress on the House that they had one paramount duty to perform, and that was to secure as far as they were able the safety of this country, and for that purpose they must carry with them the feelings of the people of the country; and he was as convinced as he could be of anything, that if an attempt were made to construct fortifications in the centre of this kingdom, the proposals of the noble Lord would not carry the feelings of the people. The House had been told that there would be great difficulty in effecting a landing on our shores; he trusted that the difficulties of an invader would end with the landing, and he agreed with the hon. Member for Rochdale that men would be found ready to work with the spade, and to arm themselves, if they thus had time for preparation; but the protection of our sea-

*Lord Fermoy*

board was quite another question. He (Mr. Newdegate) agreed so far with what had fallen from the hon. and gallant Member for Chatham (Sir Frederic Smith) that in some places there did appear an undue extension and diffusion of these works, and he agreed with the hon. and gallant Member for Limerick (Colonel Dickson) that there had been much useless expenditure; but he felt that nothing could exceed the folly of this country if, after having declared before the world that the progress of modern science and modern warfare had rendered the protection of the great depôts of our maritime strength necessary, we were now to recede from undertaking the necessary works. We should thereby draw upon us the very danger the probability of which had rendered the works expedient. It appeared to him that the hon. Member for Rochdale, in respect to our maritime defences, was an instance of stationary opinion. The hon. Gentleman might have been quoting his famous letter of 1853. The hon. Gentleman had said that Sir Howard Douglas was in his dotage when he gave his opinion upon these works upon our sea-board. The hon. Gentlemen said the same thing of the Duke of Wellington in 1853. He said that the Duke of Wellington was in his dotage because he recommended the preparation of the Militia when he wrote the letter of 1847, declaring that he, for one, unless such preparation were made, could not answer for the defence of this country. It was by acting upon that letter that the noble Lord had laid the foundation for the position he now held; and he (Mr. Newdegate) firmly believed, that although the hon. Member for Rochdale was stationary in his education on this subject, the popular mind of England had been educated upon it in a calm survey of the events that had occurred, not only in the Crimea but in America; for it appeared as though Providence had sent this country a warning not to trust implicitly to a continuance of the peace and tranquillity that had existed for forty years. What was the state of the dockyards when the Duke of Wellington wrote his letter? They were literally empty of timber, and he would appeal to the noble Lord who represented the Admiralty, whether there were not ships in Her Majesty's navy lately returned to England, which had not lasted half the time they ought to have done in consequence of the defective timber with which they were built. It was quite true,

that in all countries governed by popular Governments, there were periods of excitement and periods of relapse. He believed that the period of relapse was more dangerous than a period of excitement. The House might reasonably anticipate a period of relapse produced by such arguments as those which were used against the proposals before the House; he therefore rejoiced that they were reconstructing the permanent defences of our dockyards. Danger did not sleep, although the country might be in a state of somnolency and her representatives lazy. It did appear to him, that if, after all that had been done upon our defences, we were to rest from completing the defences of our dockyards, we should be committing an act of folly sufficient to condemn constitutional government before the world. He tendered his thanks to the Government, and gave the fullest credit to the Government, which represented the Liberal party, that they would not be so unwise as to waste money on wholly useless works. They had seen how easy it was to excite party feeling upon economy; but they would secure the gratitude of the country by a wise expenditure upon such an object as that before the House. It was indeed a proud thing to see the Liberal party emancipating themselves from the abject thralldom of economy, and, at the call of experience and reason, taking the lead, not of popular ignorance and prejudice, but of popular intelligence, thus showing that they participated in the education of events. He should certainly vote for the scheme, but on the understanding that the central arsenal would be given up. The House had already provided an arsenal at Enfield, and why could not stores be kept there? He would certainly vote with Her Majesty's Government upon the present occasion, while he would reserve for a more fitting opportunity any observations he might have to make upon the Spithead forts—except so far as saying that it appeared to him that if we were to neglect to complete the works at Portsmouth, that so doing the House would be leaving open the gates of a fortress that might one day be turned against ourselves.

SIR EDWARD COLEBROOKE feared, that in the turn which the discussion had taken as to the general principle and the advantages of fortifications, the particular question raised by the hon. and gallant Member for Chatham (Sir F. Smith) might possibly be passed over, and might not re-

ceive from Her Majesty's Government the answer to which it was entitled. He should regret this, because he thought, that if the Government gave their consideration to the arguments of the hon. and gallant Gentleman, the further progress of the Bill might be materially facilitated. He, for one, was not opposed to fortifications generally, but he did think that, to a great extent, the system proposed by the Government was extravagant and objectionable, not only on the ground of the vast outlay which it would necessitate in the first instance, but also because to supply the enormous garrisons which the proposed forts would require must fritter away our military force to an extent that would prevent us from being able to concentrate such a number of men as would be sufficient to meet an invader. He regarded invasion as a wild scheme, but not as a wholly visionary one; and therefore he did not think it ought to be excluded from the consideration of the Government. The proposition of the Government was not only for a protection against attack from the sea, but a portion of it was intended to protect our dockyards against an attack from the interior of the kingdom. That could never be, unless our fleets were entirely destroyed. Therefore, one great objection taken to it was, that it involved the expenditure of enormous sums in providing against an extreme necessity, which sums ought to be applied for some more pressing purpose. That being the state of the question, he had again to express a hope that the objections of the hon. and gallant Gentleman the Member for Chatham would receive a specific reply from Her Majesty's Government.

LOAN CLARENCE PAGET: I am not at all surprised that my hon. Friend the Member for Rochdale (Mr. Cobden) should have addressed the House in opposition to the scheme which Her Majesty's Government have brought under their consideration—because each year we have to encounter the strongest opposition from my hon. Friend against everything connected with the defences of the country. [Mr. COBDEN: No, no! It is only against waste.] If my hon. Friend can point to any one occasion on which he helped the Government in any scheme for strengthening the navy, I will admit that I am wrong; but referring to the four years during which I have had the honour of proposing the Estimates for the navy, I do not remember any one occasion on which the gist of my hon. Friend's observations was not

to the same effect as that of his speech on this proposition. I am certain my hon. Friend is as great a patriot as any one of us; but his patriotism is of a nature different from that of the people of this country generally. I believe my hon. Friend, on this question of the National defences, stands utterly alone in this House, and he certainly does not represent the feeling of the country. We never hear now of an apprehended invasion; there are no panics. And why is this? Because the mass of our population are convinced that the Government within the last few years have taken due precaution, by increasing our fleet and providing for the protection of our dockyards. With respect to the oft-repeated assertion of my hon. Friend, that by the invention of steam and its application to maritime purposes this country, as compared with other countries, has been greatly benefited in regard to defence, nobody for a moment will deny that the power of England has been increased enormously by the invention of steam. That is so; but then there is the fact which my noble Friend at the head of the Government has so often stated—that in these days, and in consequence of these inventions, we are more liable to sudden and unexpected attacks from other countries than we were before. These two facts are perfectly compatible. No one can deny that such is the case. Take the Northern States of America as compared with the Southern. The power of the former at sea is as a thousand to one against the power of the latter; but yet the North cannot prevent a single Southern privateer from going and molesting their commerce over the globe. I say, then, that in these days of steam you are liable, however powerful your fleet may be, to find an attack at a point where you least expected it. It is this state of things which has led, not only the Government, but the people of this country, to think that we must make our vulnerable points secure. Irrespective of our fleet, and of all that we can do in the way of providing iron-cased ships, we are bound to protect places of such value as Portsmouth, Devonport, and our other great maritime ports against a *coup-de-main* in the event of our ships being drawn off for the defence of our Colonies or of a distant part of this kingdom. The House has heard the statement of my hon. and gallant Friend (Sir F. Smith). I own I was surprised when I heard my hon. Friend

*Lord Clarence Paget*

the Member for Rochdale say that he did not attach any value to an opinion given by him ten years ago. [Mr. COBDEN: No; I did not say that.] And I understood my hon. Friend to say that he did not value the opinion on this subject of any one over fifty. [Mr. COBDEN: No.] I have a great respect for that opinion; and I am not in this debate going to say whether this fort or that ought to be built, or whether a fort on Portsdown Hill ought to be larger or smaller—because I do not pretend to a full knowledge of such matters; but I contend, that since the country has made up its mind that you should have an efficient system of fortification at Portsmouth, it is idle to come to this House to chip and pare—to say, you may have one battery less in this place or in that. You have the opinion of most eminent engineers that those forts at Portsdown Hill are necessary for the defence of Portsmouth. My hon. and gallant Friend asked why, if we were going on with those forts, we should continue the works on Hilsea lines. I confess that I, for one, would almost rather give up the Portsdown works than the proposed works at Hilsea. We shall procure that which will be of immense value to the navy—a canal communicating between Portsmouth harbour and Langston harbour, which will be of great use in keeping up the scour of the former; and we shall, besides, procure a very formidable defence. My hon. Friend forgets that in these days of steam there is nothing to prevent an intelligent and energetic body of men landing from a squadron up in Langston harbour and turning the forts on the hill altogether. [Sir FREDERIC SMITH: They can turn military lines in the same way.] No doubt about it; and I trust, therefore, that there will be works all along the shore of Langston harbour, because that is close to the dockyard. I should be extremely sorry to see the Hilsea lines done away with. I do not think it is a very expensive plan, and I am positive that it will be most useful, not only for the defence and scour of Portsmouth Harbour, but for the purpose of communication between the two harbours. I trust that the House will not listen to this Motion of my hon. and gallant Friend. If his Motion were carried, it would interfere with the whole scheme of fortification at Portsmouth. What are we to consider as “works in a very advanced state of progress”? Why, there are works which,

though not in a very advanced state, are so far in progress that it would be very costly, for instance, to cease to proceed with them, because it is evident that leaving them in their present state would afford cover to an enemy. I think the feeling of the country is in favour of putting our dockyards, once for all, into a proper state of defence; and I hope, therefore, the House will not agree to this Motion.

MR. MONSELL said, he was ready to admit that there was considerable difficulty in discussing the Amendment of his hon. and gallant Friend the Member for Chatham (Sir Frederic Smith), inasmuch as it did not state exactly what were the works with which it was desirable that they should proceed, and what were those which they ought to abandon. It would therefore be unnecessary to enter into any detailed consideration of each particular work—that could be done upon the Schedule to the Bill. But he did not think that his noble Friend the Secretary to the Admiralty (Lord Clarence Paget) had given any answer to the objections which his hon. and gallant Friend had urged against large portions of the Government scheme. His noble Friend seemed to take it for granted that those who did not approve of the whole of that scheme were not prepared to adopt any measures for the defence of our dockyards and our coasts. But the only real difference of opinion which could exist upon that subject related solely to the best mode of attaining that object. As to the effect of steam in increasing the probability of invasion, that was not the question. In considering the subject of fortifications, they had to bear in mind the change which the construction of iron-clad vessels must produce in maritime warfare. Was it not true that the country which at the breaking out of a war had the most powerful iron-clad fleet, would have all the coasts of the enemy at its mercy? Thus, if when a war broke out with France, England had the supremacy at sea, Cherbourg and Toulon might be destroyed by iron-clad ships and the powerful artillery we now possessed. For this reason it appeared to him that the real place to defend Portsmouth was at Cherbourg and Toulon, and the proper plan was to maintain such a powerful fleet of iron-clads that it would be perfectly certain that at the breaking out of a war we should be able to destroy those resources which alone could enable an enemy to approach our shores.

He thought that his noble Friend had hardly fixed his mind upon the real meaning of an attempt at invasion. The recently-published Correspondence of the first Napoleon during 1803-4 would show that he considered 150,000 men, 30,000 horses and immense supplies of artillery and war material necessary to make any impression upon this country. All of these were to be conveyed in an immense fleet of wooden vessels. This flotilla was preparing a couple of years, and he asked his noble Friend whether, if the English Government had then had iron-clad vessels at their disposal, it would have been possible for the French to go on with these preparations? We should be certain of destroying such a flotilla now if we had the command of the sea and the appliances he had described. But if the flotilla did set out, composed as it must be of wooden ships, one-half the money spent on these fortifications would provide iron-clads which would utterly destroy it. These iron-clads might be in addition to our regular fleet, and designed for home defence, and they would be far more effectual than stone and mortar. This was the true way of resisting invasion, and the Government scheme was a mere individual idiosyncrasy, reverting to old, worn-out means of defence, instead of having recourse to those modern appliances which science had provided, and which we were able to obtain in larger quantity and to greater perfection than any other country in the world.

MR. PULLER said, he was not disposed to set his own opinion in opposition to that of the hon. and gallant Member for Chatham (Sir Frederic Smith) upon the question as to the best mode of defending Portsmouth harbour; but he conceived the true questions for the House to decide were those propounded by the hon. Members for Rochdale and Limerick (Mr. Cobden and Mr. Monsell)—first, whether under existing circumstances, and considering the invention and application of steam, there was reasonable ground for apprehending at any time an invasion of this country by France; and next, if there were such reasonable ground for the apprehension, whether the mode adopted by the Government, of fortifying our great arsenals, was a proper mode of meeting the danger. He did not think the hon. Member for Rochdale had dealt quite fairly with the noble Lord at the head of the Government. The hon. Member had re-



ferred to speeches delivered by the noble Lord in past times, and especially to his declaration that "steam had bridged the Channel," and he had also quoted the reply of Sir Robert Peel, that "two could play at that." The reply was not inconsistent with the observation of the noble Lord, but rather it admitted that the Channel was bridged. He had a great respect for Sir Robert Peel; and looking back at the state of France and of Europe at the time when that statesman made that reply, he could understand why he thought there was no such imminent danger to this country of invasion by France as to justify a large outlay of money. France was then a constitutional monarchy, under a most peaceful monarch; but now France was under an Imperial Government, wielding enormous and centralized military power, which, as they had seen, could be within the space of a month brought to bear upon a neighbouring State. But, again, although it was true two could play at the game of bridging the Channel, the question to consider was, when the bridge was made, who would have the greatest number of soldiers to pass over it? No one could doubt that in that respect the power of France to invade England was fourfold the power of England to invade France. Then, again, an observation of Sir Charles Napier had been quoted, to the effect that steam had increased our facilities for blockading the ports of France. That was true, so long as we had the command of the Channel; and so long as we had that command, we should not require any forts. But he presumed that when the Government proposed to construct fortifications, they did so with a view to the possibility of our—for a time at least—losing the command of the Channel. Another change had occurred within the last two years. At the time when Sir Robert Peel spoke, the Government of the United States was a government of peace, with no army and no navy; but now the United States were a great military Power, engaged at present in a contest with some revolted States. It would not be unreasonable to contemplate the possibility of that quarrel being terminated, and then the Northern States would be found in possession of a large army and a great navy, desirous of employment. Under such circumstances, might it not be possible, that for the sake of making political capital—and wars had before now been commenced for the sake

of political capital—might it not be possible that a war with England would be undertaken? Would anybody guarantee, that within five years from this time we should not be at war with the United States? In such an event would it not be certain that our navy would be engaged in blockading the American ports and protecting our commerce; and would any one guarantee us that France—he did not say under her present Emperor—finding the Channel unguarded, might not take the opportunity of landing an army on our shores? No doubt, the true defence of the country was in our navy, and especially in our iron-clad ships. But, since the science of iron-clad shipbuilding and of the guns they carried was in a state of transition, the Government were acting wisely in keeping our navy in that respect only just ahead of that of France, and in abstaining from an expenditure which the progress of invention might, in a year or two, render useless. But, on the other hand, the Government were perfectly safe in investing money on fortifications, which would be capable of carrying any guns that were likely to be made for fifty years to come. He looked at the fortifications of Portsmouth as in one sense a fortification and defence of London. If the French threw an army across the Channel, and if Portsmouth were fortified, the whole of the regular army would be available for the defence of the metropolis. For these reasons he should support the Bill.

COLONEL SYKES said, that when the system of fortification was first broached, he had raised his voice against it as unnecessary, impolitic, injudicious and degrading to us as Englishmen. He had seen no reason to alter that opinion. He maintained that it was an insult to Englishmen to suppose, that if an enemy landed, they were to place themselves behind stone walls. He fully concurred, however, with the noble Lord (Lord Palmerston) that our arsenals and dockyards should be secure against a *coup-de-main*; but the propositions before the House embraced the erection of no less than seventy-two batteries and other defences and the extension of existing fortifications. If those who participated in the panic of an invasion had ever moved with an army in the field, and had seen the difficulty of getting it together, and the quantity of material it required, they would see that no army sufficient for the invasion of England could be collected without months of

preparation. It would be impossible to collect the ships necessary for the transport of 100,000 men, with 30,000 horses and ordnance stores, without our knowledge and without giving us full time for preparation. Then what would become of such an army when they landed? Care would surely be taken that no food would be left for cattle; that every hayrick within fifty miles of the Coast should be burnt. What would become in that case of the horses of the invading army? In three days they would all be disabled. The lines of Portsmouth, setting aside the Portsdown chain of forts, would require 30,000 men. Plymouth would require 30,000 more, and Chatham and other parts of the kingdom must also be defended. What would be required would be, that instead of waiting behind fortifications, the whole of our troops should be massed together, march on the invader and crush him at once. An attempt had been made to invade Ireland, and the enemy had been put to flight by a few women in red petticoats. [Mr. BERNAL OSBORNE: No.] Well, he recollected it was in Wales—and the few French who landed and joined the rebels were defeated at Killala in 1798. That was when we had a population of 15,000,000 or 20,000,000. Now we had a population of 30,000,000; and the Government wanted to spend £12,000,000 in fortifications. For eight centuries since the Norman Conquest we had never thought so humbly of our valour and our means as we appeared to be doing now. He protested against the most united people in the world, and a nation of the greatest physical means, being asked to hide behind stone walls. He should vote now against the general scheme of the Government. When they came to the schedule, each item should be taken separately, and he should vote against every work in the execution of which little or no progress had been made.

MR. BERNAL OSBORNE: I think that the House has exercised a wise discretion to-night in separating the consideration of the Spithead forts from the question of the land defences, which is now before us. I will imitate the discretion shown by the House, and will not allude to the Spithead forts, which will come more properly before us when the Vote is moved in Committee of Supply. But I very much regret to see the apathy of the House to-night as contrasted with what took place the other evening when

the Brompton "fortifications" came under discussion. We remember the enormous excitement on that occasion, when it was contemplated to spend only £284,000, on a building which is now in process of being carted away. But here is a Vote of £12,000,000—that is, the Estimate; but when you come to consider these forts and the various changes proposed, nobody who has any knowledge of things can undertake to say that this Vote will not amount to £20,000,000. But the House which strained at the Brompton gnat, seems quite prepared to swallow the Portsmouth camel. The state of the House is very different now from what it was the other night when we heard the surges of cheers which arose; but I attribute the change to the appearance of the noble Lord in his place. [*A laugh.*] Yes, because I know he rules the House.

"Celsa sedet Æolus arce

"Sceptra tenens, mollique animos et temperat iras."

I think, then, we ought to be obliged to the noble Lord for exercising a control of this kind over the House, when any one would have thought it would have lost its senses. But, however we may differ from the noble Lord, I give him credit for sincerity. [*A laugh.*] Yes, I think he is a true patriot according to his views; and in bringing forward this scheme

—"even his failings lean to virtue's side."

But that is no reason why civilians are not to give their opinion whether this large sum of money is well laid out, or whether this fortification scheme will be for the ultimate security of the country. We have heard to-night—and I am happy to say from an hon. Gentleman representing an inland district, the hon. Member for Hertfordshire (Mr. Puller), and I can see by his speech he represents a district "far from the busy hum of men"—of new terrors. He talked about taking the country by surprise, and he endeavoured to make a bugbear to the House the prospect of invasion—where from? From America? [Mr. PULLER: No, no!] He actually said, "You have a military nation"—that is, a nation which is now so much exhausted, that it cannot fill up the ranks of the Irish Brigade, and so inert that the people of Pennsylvania will not stir to repel the enemy marching in upon them—but this representative from an inland district says, "Oh, vote by all means £12,000,000, for you have now not only the Emperor of the French to dread, but a

military people on the other side of the Atlantic, who some day or other will come over and take Portsdown Hill." Was there ever such an argument addressed to the House of Commons, so well calculated to throw ridicule on the whole scheme? I do hope the noble Lord will not make a proposal to fortify the town of Hertford; but if he does, he will be supported by the hon. Member. But the noble Lord the Secretary to the Admiralty (Lord C. Paget) says, "Be prepared. None of your cheese-paring upon this Vote of £12,000,000." But I ask my noble Friend what is his duty as a representative of the people but to be a clipper and parer? We know how the noble Lord talked once about the £5,000,000 of money which he said he strove in vain to make the Admiralty account for. And now, forsooth, he comes down and says, "Let us have no cheese-paring;" and, pointing to the hon. Member for Rochdale, he says, "the hon. Gentleman is alone in the country in his opposition." But in that he did the hon. Member an injustice. That hon. Gentleman never at any time argued that there should be no defences for the country. He expressly guarded himself by saying he would give no opinion upon the propriety of these sea defences for Portsmouth. But my noble Friend says the hon. Gentleman's patriotism is of a peculiar description. But I beg to say, I think the patriotism of the hon. Member for Rochdale has been exemplified in as strong a manner as that of my noble Friend the Member for Sandwich. If the noble Lord wishes to know what his duty is, I will tell him—it is to clip and pare these Estimates of the Government, which I take it upon myself to say, however well-advised in some parts, are ill-advised in others, and which lead to extravagant expenditure. But the hon. Member for North Warwickshire (Mr. Newdegate), the twin brother of the noble Lord the Member for Sandwich, in those solemn tones of his conjured the noble Viscount not to raise a fortress in Cannock Chase. I never heard, though there has been a project for a central arsenal, which, in my mind, I believe to be one of the most sensible things that was proposed, that there was to be a fortress in Cannock Chase to keep down the constituents of the hon. Member, who is so well informed both in the affairs of the Church militant and in what is required for the defence of the country. I am not aware there ever was a design to raise a fortress in Cannock

Chase. There was to be a central arsenal it is true; but that has been postponed, as I think, unwisely. My objection to this plan is that it is fragmentary, and that in this way we are being led to an indefinite outlay of money without giving the country any guarantee against invasion wherever it is to come from—whether from the hon. Member's (Mr. Puller's) friends, the Americans, or from the noble Lord's friends in France. The hon. Baronet the Member for Ayr (Sir James Fergusson) was very well answered by my hon. and gallant Friend the Member for Limerick (Colonel Dickson), in a sensible speech, which did honour to himself and to the party with which he is connected. But the hon. Member for Ayr says, "The hon. Member for Rochdale quotes Mr. Pitt; but he has no business to quote him." I wish the House had remembered the conduct of its predecessor when Mr. Pitt brought forward his scheme. Did the House of Commons then relapse into a state of idiotic apathy, as it does now? No, Sir, at that time the House of Commons had no fear of invasion from America, it resisted Mr. Pitt's scheme for defence, it was thrown out, and it remained for the noble Lord to revive it after I do not know how many years. But, says the hon. and gallant Member for Ayr, "fortifications are prevailing all over the world;" and he alluded to Sebastopol, where, I believe, the gallant Gentleman bore a very distinguished part. But he forgot to tell the House what were the fortifications at Sebastopol. Was it not known to the hon. Gentleman and to the world that they were earthworks thrown up in a comparatively short time; not fortifications built at the expense of millions, but the work of the spade which Napoleon told you was the secret of all success? But are those works confined to Russia alone? Why, I am told that all those fortifications which resisted the gunboats in America are earthworks. I am not speaking now of Fort Moultrie or Fort Sumter, but of Fort M'Allister. Was that of stone? No such thing. In *The Times* of March 26, 1862, hon. Gentlemen will find this passage—

"Fort M'Allister, attacked by a fleet of iron-clad vessels and gunboat, had it been of stone, it would have been battered to pieces; but being an earthwork, the damage done to it was easily repaired."

Well, then, I maintain you are throwing away millions in this fatuous attempt to surround Portsmouth with fortifications of

masonry covered with iron. Let us see what is the opinion of military men as to these fortifications. But, first of all, here is a critique about the present fortifications which I think has been cut out of a military paper. It says—

“At Sandown a fort has been constructed at an expense of £30,000, which is actually commanded by no less than four other positions, on each of which additional works have been raised in order to take care of it. At Redcliff, a battery has been built on the verge of an overhanging cliff of so particularly friable sandy a nature that it is firmly believed, that if the weight of the work itself does not bring down the cliff, with all that is upon it, such a catastrophe is certain to occur the first time the guns of the fort are fired. In the Isle of Wight the very same mistake committed at Sandown was repeated. A fort was built at Freshwater, and then, after it was finished, it was discovered that it could be taken in rear from another position, and upon the latter a second fort had accordingly to be constructed in order to correct the mistake.”

I want to know is this the case? because, if so, we are legislating in the dark. It is all very well to talk about authorities, but on this subject I maintain that military authorities themselves are by no means unanimous. This Amendment was not moved by a civilian, but by a gallant Officer, who has served in both the hemispheres, and whose breast is covered with medals. You cannot, then, throw in our teeth that we are alone in the world, when we have on our side an hon. and gallant Member like that. There is another gallant Officer, the Member for Westminster (Sir De Lacy Evans), and what is the effect of his speech to-night? He said that he was in favour of fortifications; but he is one of those who are for “chipping and paring,” and bringing down the Estimates to the wants of the country. Do not let us, then, hear any more of that balderdash of our being alone in the country. The country may be apathetic on these points, but the time will come when the country will inquire for itself, and when these fortifications will be pointed to, not as monuments of the wisdom, but as proofs of the folly of the House of Commons. But let us see what is said on the subject by military men. I will quote the opinion of a very distinguished officer, who has served in the Royal Artillery. He says, referring to the forts now throwing up at Sandown, in the Isle of Wight—

“It appears hard to understand their proposed utility. For without a complete command of the Channel, and the ability to secure his communications, an enemy dare not attempt a landing with a view of dragging across such enormous guns as

would bombard the dockyard. This would be a matter of time, during which, even if securely intrenched, how is he to be provisioned? On the other hand, if he commanded the Channel, he would not land there with such trouble; and I am of opinion, that if he were able to make good his seizing of the soil anywhere along the southern coast, and to drag up such weight of guns, ammunition, &c., as would enable him to lay siege to the strongest forts we could build on Portsdown Hill, without our being able to prevent him, the game is up; and their reduction is only a matter of time, of far less importance. Therefore, the fortification of Portsdown Hill, excepting by field-works, such as troops for the sake of instruction could throw up, and which would prevent an unlikely *coup de main*, is, I humbly conceive, an error in judgment.”

Those are the words of Major M'Crea, of the Royal Artillery. When we are told to turn to the Report of the Commission, I ask what is the evidence of Sir John Burgoyne? He said, in answer to a question put to him, that he did not recommend that forts should be built on Portsdown Hill at present. In another part of the evidence he gives his reason, for he says the proper thing to defend them is the army. Well, we are going to have the forts; but where is the army? Will the noble Lord assume the responsibility of asking for a Vote of 60,000 or 80,000 men. The Commissioners say that there must be a garrison for the forts of 68,000 men; but I doubt whether that force would be sufficient, if all the works should be completed. What is the opinion of Sir John Burgoyne with respect to certain works at Plymouth? He says that he would leave them as detached works as a peace measure, and connect them in war; and yet we are called on in these “piping times of peace,” when America, being engaged in civil strife, cannot possibly send over a force to invade us, and when we are on excellent terms with the French—many thanks to the hon. Member for Rochdale, whose patriotism, we are told, is of a peculiar nature—we are called on, I repeat, to take precautions against America and France, which were never asked for before, even when great danger existed. The hon. Member for Warwickshire said that he was happy to see the House divest itself of the thralldom of economy; but when the hon. Member talks of the thralldom of economy, is he or is the House aware that during the last twenty years this House has voted 500 millions of money on the army and navy without making a single deduction from the Votes? I grudge nothing for the navy, for I do not take the low line of saying that nothing should be voted for the defence of

the country; but with regard to the army, I must observe that we have got, in addition, a great force of Volunteers, which will cost us some £250,000 a year. Whatever the sum might be, I regret, that instead of being devoted to the Volunteers, it has not been devoted to the sustentation of the regular army, because my idea of Volunteers is that they should pay for themselves, and not call on the country for money. Whatever may be the fate of the present Amendment, I cannot regret that my hon. and gallant Friend has brought his proposition under consideration. I do not mean to weary the House by offering an untiring opposition to the scheme of the noble Lord at the head of the Government. I give him credit for sincerity; but I must take my stand not only as an independent, but as an inquiring Member of Parliament, endeavouring to master this subject, and I never gave a vote with less hesitation than I shall to-night, believing that by chipping and paring these Estimates, we may get something efficient at a much less cost.

VISCOUNT PALMERSTON: Sir, I must, in the first place, defend my hon. Friend the Member for Hertfordshire (Mr. Puller) from the extreme misconception—for I am sure the mistake was not intentional—of the hon. Member for Liskeard (Mr. B. Osborne), who accused him of anticipating the invasion of this country from America. Now, my hon. Friend said no such thing, and nothing susceptible of such an interpretation. My hon. Friend said that we might, by the course of events in America, find ourselves involved in hostilities with the Northern States of America, and in that case we might have to send our fleet to blockade the coast of America, or to defend our commerce there; and then, our fleet being absent, and the protection of the Channel having ceased, France might attempt to take advantage of our position, and invade us. There was therefore nothing in what my hon. Friend said to justify those remarks of the hon. Member for Liskeard. I shall not follow the hon. Member for Liskeard in the description he gave of the services of the hon. and gallant Member who moved the present Amendment, and whom he represented as having served in “all the hemispheres.” How many hemispheres there are he did not explain; but I have no doubt, however many they may be, my hon. and gallant Friend would have done himself credit in them all. With regard to the

*Mr. Bernal Osborne*

Amendment, having regard to what is fairly its meaning and effect, I look on it as nothing more or less than a Motion to throw out the Bill and put a stop to all these works—to reverse the decision deliberately come to by this House, and to induce the House to act in opposition, as I maintain, to the general sense and intentions of the country. Such a proposition is a very grave one. My noble Friend the Member for Marylebone (Lord Fermoy) has anticipated an appeal to the country on this question. I can assure him that I should feel perfect confidence in such an appeal, being fully satisfied that the verdict of the country would be for me, and not for him. With respect to the hon. Member for Rochdale (Mr. Cobden), I can only say that I am very much obliged to him for that part of his speech which related to me—he could not do me a greater favour than by printing that portion of his speech and circulating it as far as possible in every part of the country. The hon. Member did me the honour of saying that the whole system for the improved defence of the country made in the last few years was owing to me. That is an honour which, though I do not deserve it in fact, I do feel that I deserve in point of intention. I am very proud of his praise, for such I consider it; but, at the same time, though I do admit that I have laboured assiduously to convince the House and the country that we were in an inadequate state of defence—that much was required, that a militia, an increased army, an increased navy, and fortified works for our dockyards were needed—yet no one man or set of men, however right in his views, could have succeeded in producing the almost universal conviction that now prevails on the subject if his efforts had not been accompanied by the general sense and feeling of the nation. The hon. Member went back to the year 1845, and I may say that the chief credit of awakening the country at that time to a sense of the insufficiency of its defences was due to the late Duke of Wellington. The hon. Member has cited the Duke against fortifications. Has he forgotten the famous letter to Sir John Burgoyne, in which the Duke of Wellington called on the country, by every motive which ought to influence a nation, to improve and increase the defences, which he then pronounced to be extremely deficient. What was the state of the country in 1845? What was the state of the country more particularly at the time of the question

with France about that unfortunate affair at Tahiti, which, had it not been delicately handled—had there not been a conciliatory disposition on both sides—might have led to a war between the two countries? Portsmouth was then totally undefended. There were only a few guns on one seaward battery for the purpose of firing salutes; while over at Cherbourg there were eight large steamers capable of carrying from 1,200 to 1,500 men each, which could have run across at any moment, destroyed everything in the harbour, and then made their escape without any danger to themselves. Our army was also insufficient. And what was the condition of the fleet? I remember the old *Collingwood*, with seventy-two guns, being the only ship at Spithead, and she was lying there only because, instead of carrying Sir George Seymour to the Pacific, she had been specially detained to represent a Channel fleet. There were only two sail of the line in the Mediterranean, notwithstanding the magnitude of our important interests there. We had been led to that state of things by a feeling of security arising from our successes in the great war, from our belief that there was no likelihood of a rupture with any foreign Power, and from a desire on the part of the House of Commons and of the country to economize as much as possible. The hon. Member said I was answerable for having persuaded the House to establish the Militia. I thank him for that admission. Undoubtedly, the Motion I made materially assisted the establishment of that force. I also urged that the dockyards should be protected; and I am satisfied that the House never did a wiser thing, or one more conducive to the public interests, than agreeing to those measures of defence which have now to a great extent been carried into effect. Some hon. Gentlemen talk boldly and broadly about the impossibility of invasion. It is nonsense, they say, to talk of such a thing. Then some of them tell you how they would meet an invasion; and the hon. Member for Rochdale, among others, has given us his plan for meeting such a contingency. He would have a certain number of riflemen who should dig pits in the sand on the sea shore, and who would then be able to withstand the guns of any number of ships that might be brought against them. Amateurs cannot expect to succeed in everything. The hon. Member has been eminently successful as an amateur diplomatist, and the

country is much indebted to him—I say it sincerely—for his exertions in that capacity; but do not let him fancy that equal success will attend him as an amateur general. The example of America, I think, shows the danger of intrusting your safety to amateur generals. In the Northern States people have a notion that any man, taken from whatever profession, becomes a general by putting on a uniform, and a sword by his side; and the result is what we see by the latest accounts. If hon. Members could by saying broadly that invasion is impossible render it so, why well and good; but they are like the people of the Northern States, who have been for two years saying positively that the rebellion would be put down in three months, in ninety days, which were always beginning and never ending. And what is the result? Why now, instead of being at Richmond, they are anxiously expecting the possibility of the enemy attacking them at Washington or Baltimore. I cannot imagine anything more amusing to generals and military men on the Continent than to read the speeches which are sometimes made in this House demonstrating the utter impossibility of invasion. I hope nobody abroad who has any control over these matters will be led to act on the supposition that this opinion is at all shared by the country or by those who are responsible for the conduct of affairs. It used to be imagined that the Duke of Wellington had some knowledge of military affairs. Did he deem invasion impossible? Quite the contrary. He was always surveying the coasts of the south-east of England, and pointing out at how many points an invasion could easily and rapidly be made. We are told to recollect what happened in 1804. We were then threatened with an invasion, which never took place; and why, it is asked, should we think that to be practicable now which was impracticable in 1804? As to steam, it is said that it has only increased our means of defence, and has had no effect in increasing the means of offence against us. The hon. Member for Rochdale has referred to something which passed between myself and the late Sir Robert Peel, when I said that steam had bridged the Channel. Sir Robert replied, in a way suitable to a debate in this House, "Ay, it may have bridged the Channel, but that is a game at which two can play." If I had had the opportunity of rejoicing, I would have said that "It

is true that it is a game that two can play at; but, as in most games, those who have the greatest number of counters are most likely to win; and France has more living counters in the shape of soldiers than we have." In 1804, what was necessary for the purpose of invasion? It was then necessary to collect a large fleet of small transports to be towed by sailing ships, the movements of which necessarily depended on the winds and tides, and the assembling of which would be quickly made known by our cruisers, and must occupy some time. It was necessary also for the enemy to have the command of the Channel for a week or ten days; and if it had not been for Trafalgar, that might have actually happened—for a very ingenious plan had been devised, and partly carried out, to draw our fleet away. Such were the arrangements necessary in 1804. But what is the state of things now? There are railways on the Continent which, in the shortest possible time, can bring any number of troops, with artillery, cavalry, and stores, to the port of embarkation. There is a large harbour at Cherbourg where a large number of ships may lie alongside of the quays and troops can be poured into them as fast as they can walk. It is a mistake to suppose that I said 60,000 or 100,000 men could be landed on our coast in a night. What I said was that in a night such a force might reach our coast, without the possibility of our preventing it, and might be easily landed soon afterwards. What happened in the Crimea has been referred to as showing how long it takes to land troops; we were three days in landing our force at Old Fort, in the Crimea; but in the Crimea we were not provided with those means of landing which are now in possession of other countries, and especially of France. It is known that France has a great number of large transports, carrying from 1,000 to 1,200 men, and flat-bottomed boats for disembarking troops on a shelving beach. With such appliances a force might be readily and expeditiously landed on our coast. For the sake of argument, however, I will admit that it would be very difficult to land 100,000 or 120,000 men, and would take time. I say that this is just the reason for having these fortifications to protect the dockyards, which are the nursery of our fleets. If our dockyards were undefended, and if they could be run into by a force of 20,000 or 25,000 men, landed close to them, there can be no ques-

*Viscount Palmerston*

tion that such would be an operation which the enemy would prefer to undertake. But the works you are setting up will prevent the dockyards from being run into except after a regular siege. Thus, by preventing a *coup de main*, you leave the enemy no alternative but to land a large army for the purpose of marching on London. If, then, hon. Members think that an attack on London is impossible, and if by fortifying your dockyards you render a *coup de main* impossible, then they must admit that by leaving the invaders no choice but to attempt an impossible operation, we shall have obtained a great national advantage. I know it was the opinion of the late Duke of Wellington that Portsmouth on the one hand, Dover on the other, and Aldershot, as the apex of the triangle, formed a system of defence which would make it very difficult for an enemy landing on the south coast to make an approach to London; and he considered these works of great importance, not for defending the dockyards only, but as points of support for larger operations. The hon. and gallant Member (Sir F. Smith) says that a sufficient force could not be collected at Cherbourg without our knowing it, and that it could not be done in a month. No doubt, if it took place in time of peace, with your Consul at Cherbourg, your Ambassador in Paris, and Englishmen scattered all over France, you would hear of it; but is it meant to say that after war had been declared you would have the same means of information? Evidently not; and the rapidity with which this operation might be carried out is such that it might be executed in the first week after the rupture of friendly relations and the declaration of war. "But," it is said, "suppose 100,000 men landed, have not we 120,000 Militia, 150,000 Volunteers, and a great number of regular troops?" Very true; but these forces are scattered all over the country:—the 100,000 men of the enemy would be concentrated upon the point of landing; and long before you could bring these different scattered fragments together into one body, organize a staff, and make all the arrangements necessary to the effectiveness of an army, a time would elapse during which, if these dockyards were not defended, the enemy might get into them, destroy the sources of your naval strength, and cripple you for a great length of time. 20,000 or 25,000 men might land and destroy Portsmouth or Plymouth. I think I heard some one say to-night, that if a

landing took place, not a man would go back alive. Really, when people talk in that way I must say that they know very little of human nature, or of the course of history. Suppose, that by running into your undefended dockyards, an enemy could destroy the support and cradle of your navy at a sacrifice of 20,000 men here and 20,000 men there, who should surrender as soon as they had done the business, that would be worth the while of a country that meant to be your rival at sea. The right hon. Member for Limerick (Mr. Monsell) said that the navy is our true defence, and that the country which has the largest iron-clad fleet will have the command of the shores of the other. Have we or are we likely to have a superior iron-clad fleet? What happens when we come down to this House and ask for the means of rapidly increasing our iron-clad fleet, which can only be done by casing wooden vessels similar to those possessed by other countries? We are stopped. We are told, "No; do not go on with your wooden ships. Wait till you ascertain what is the best construction of iron ships." And we are thus prevented from having that superiority which we are now told is necessary in order to make our shores secure. But even if our own iron-clad fleet should be superior, can we keep it always in the Channel? Can we keep it simply for the defence of our shores? Have we no interests in other parts of the world which may be attacked by iron-clad ships? We should be obliged to scatter our iron-clads. We must have some in the Mediterranean and some on other stations; and therefore, however valuable iron-clad ships may be—and after what has passed to-night I hope that when we make a proposal for adding to their number we shall meet with support—we do require the permanent defence which works would afford to those important foundations of our maritime strength, the dockyards and naval arsenals of the country. I ought to explain to an hon. Friend of mine (Mr. C. Berkeley), who noticed some discrepancy between what I stated as to the reduction of expense and the figures in the schedule, that the increase which he remarked is not in new works, but in incidental expenses, a larger sum for which is taken this year than was taken last. I hope that the House will not be led away by the arguments of the hon. and gallant Officer (Sir F. Smith). He quotes, and the hon. Member for Roch-

dale quotes, the opinions of naval and military men against us. Why, there is not a question in any branch of science or art in regard to which you cannot quote valuable opinions both one way and the other; but we have taken the opinions of men in whose judgment we confide, and who have deliberately examined the matters which have been committed to their investigation, and, with all deference to the hon. and gallant Gentleman, I must say that I prefer the opinions of these Commissioners to his, however valuable his opinions may be, and upon their opinions we act. Sir John Burgoyne's opinion has been quoted against us; but upon further reflection he gave a different opinion as the result of that increased deliberation. I say again, this is not a question which can be determined by any conflict of individual and irresponsible opinion. You will, no doubt, get officers of great merit who will say one thing, and officers of great merit and skill who will say another; but we have the judgment of a number of eminent military and naval men, who were specially appointed to investigate these matters, and upon their conclusive recommendations, made after repeated deliberation, we have founded our opinion, that the system of defence which they recommend is essential to the security of our dockyards. But it is said by some, "Undertake a portion of the works only." The hon. Member for Rochdale (Mr. Cobden), by the bye, said that the only objection which he had to the proposal of the hon. and gallant General was, that it merely proposed to stop those works which are not in a state of progress, and, very consistently with his own opinion, he added, "I am for destroying them all, and the more complete they are, the more I wish to get rid of them." That is all very well for him; but as to the proposal to execute a part only of these works, we are of opinion that competent authorities, specially directed to investigate the matter, having recommended a certain series of works as necessary for the defence of these dockyards, you cannot leave out any portion of that series without weakening the whole. It is an invariable principle that nothing is stronger than its weakest part; and if you take away a portion of a combined system of works, you necessarily impair the defensive power of the remainder. I can only say that I adjure the House not to be led away by the Motion of the hon. and gallant General. This is a very serious matter. The mind and the



heart of the country are set and fixed upon the defence of our naval arsenals and dockyards. We, the Government, have done nothing but follow in the wake of public opinion; and when it is said that this is a disgrace to the Liberal party, that is a libel upon the Liberal party, because, whatever may be the opinion of certain Liberal members of this House, I maintain positively that the Liberal feeling of the country is in favour of these national defences; and if an appeal was made to the country, I am convinced that the decision would be by an immense majority in favour of our proposal. If there is one thing more than another which the nation demands and insists upon, it is that it should be secure against attack. We have seen constant revulsions of opinion from time to time arising from panics; and the hon. Member for Rochdale (Mr. Cobden), who has written a book upon panics, ought to be the last man in the world to oppose that which is calculated to prevent their recurrence. The country is bent and determined upon being defended. The proof of that, if any were needed, is to be found in the noble conduct of the population, which has given us 150,000 Volunteers. Did these 150,000 Volunteers think that invasion was such a bugbear and so impossible as hon. Members have represented it? No. It was specially to guard against that possibility—specially to prevent invasion taking place—by showing that we were armed and prepared to resist it, that these gallant men have offered their services to their country. Therefore, I say that the Motion of the hon. and gallant General is a libel upon the Volunteers—it is a libel upon the people of this country—to suppose that they are insensible to the necessity of our being defended; that they attach no value to the defence of the dockyards, which are the cradles of our navy; and when hon. Gentlemen say that the navy is the great defence of the country, I say, "Be it so; but if that is the case preserve to us those dockyards, without which you cannot have a navy at all." I hope that the House will reject the Motion of the hon. and gallant Gentleman, because it is nothing more nor less than a proposal to reverse a deliberate decision of Parliament, and put an end to a system of fortifications, on which, in my opinion, the safety of the country depends.

Question put, "That the words proposed to be left out stand part of the Question."

*Viscount Palmerston*

The House divided:—Ayes 132; Noes 61: Majority 71.

Main Question put, and agreed to.

Bill read 2<sup>d</sup>, and committed for Monday next.

#### AUGMENTATION OF BENEFICES BILL

(Lords)—[Bill 134.]

##### SECOND READING.

Order for Second Reading read.

VISCOUNT PALMERSTON, in moving the second reading of this Bill, said: This is a Bill which comes down from the House of Lords, in which it was introduced by my noble and learned Friend the Lord Chancellor. Its object is to authorize the sale of about 320 of the smallest livings in the Lord Chancellor's gift, with the view that they may be purchased, as they probably will be, by the landowners of the parishes to which they belong, and that the purchase money may be applied either to the augmentation of those livings themselves, or of other livings small in value. The value of the greater portion of these livings ranges from £100 to £150 and £200 a year, and it is obvious that an income of that amount is not one on which a clergyman can properly and respectably fill the position in which he is placed. A clergyman with £100 a year has in all probability to keep a curate, and has remaining out of his income perhaps not more than £40; and we all know that the days are gone by when a clergyman can "pass for rich with £40 a year." This measure involves, no doubt, a great sacrifice of patronage on the part of the Lord Chancellor, inasmuch as he gives up 320 livings which are now at his disposal. My noble and learned Friend, however, actuated by the very laudable desire to improve the condition of the Church, is willing to make that sacrifice. Many of those livings—if "livings" they can be called—many of those cures have churches which are barely fit for use; most of them have no schools—their condition, in short, is that which might be expected to be the result of the inadequate provision made for the clergyman of the parish. My noble and learned Friend contemplates that those livings may be increased by one-third, or perhaps one-half, their present amount, and may thus be rendered sufficiently remunerative to induce gentlemen of good education to accept them. It has been matter of complaint lately that there is a disinclination on the part of young men of

good education to enter the Church. That state of things may arise from various causes. There are, no doubt, certain theological questions and controversies which may embarrass some young men desirous of entering into holy orders; but, at the same time, the smallness of the incomes arising from a great number of these cures is a reason why young men, who think they can do better for themselves in other careers in life, should be disinclined to enter a profession in which the emoluments are so trifling. The details of the measure will be explained by the Bill itself, and I shall therefore abstain from entering into them now; but I am sure the House will concur in the view which has been expressed by all the dignitaries of the Church that the proposal is one which is calculated to promote its interests, that it is honourable to my noble and learned Friend from whom it emanates, and is highly deserving of support.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Viscount Palmerston.*)

MR. BARNES said, he did not rise to oppose the second reading of this Bill from any factious motives, but he felt impelled to do so from a strong conviction that it erred in principle, and that the subject was one which demanded the consideration of this House. He objected to the Bill, because the principle of it was one which he thought was most dangerous and bad. The noble Lord (Lord Palmerston) had stated that he believed this Bill would promote the interests of the Church of England. He was quite of a different opinion. He believed it would be injurious to the Church of England as well as to the parishioners, because it would be injurious to religion, and because it sanctioned a practice which unfortunately prevailed to a great extent, but which was condemned by the almost universal voice of the Protestant Church. This Bill raised the question of buying and selling livings—and the House was now asked directly to sanction that practice of the Church of England, which was utterly opposed to the spirit of Christianity. A clergyman was an instructor in divine things, he was the preacher of the Gospel, and he was called upon to visit the sick and the dying; and it was monstrous to think that such an office should be sold for money to any man. This was a practice which he was persuaded many excellent clergymen con-

demned, and he hoped that the House would not countenance it by passing this measure. But he objected also to the Bill on its merits. The Lord Chancellor proposed to sell the livings in his gift to any person who chose to buy them; but what question did that raise? He looked upon these livings as a kind of trust property, belonging not to the occupant of the Woolsack, but to the different parishes in which the livings were. But the Lord Chancellor intended to convert these livings, which were really public property, held by him in trust for the benefit of the parishes, into private property, and without obtaining any security as to the mode in which the patronage would be exercised. If he was tired of the livings, there were other means of disposing of them; at all events, they should not be handed over to private patrons, who would distribute them among their friends and relatives, without caring to select the best men. The Lord Chancellor was a public functionary, a man of distinction, responsible in some degree for the exercise of his patronage; and that was some security that he would use the livings in his gift for the benefit of the Church and the country; but there could be no security whatever, the moment the livings passed into the hands of private persons. It was not right that public property should be treated in that manner. The Church of England was a State Church, and as such Parliament should retain its control over it. Private patronage was inconsistent with the very principle of an Established Church. He believed that one reason why there was a want of young men to enter the Christian ministry was the very general use of private patronage in the Church of England, any extension of which patronage was not for the advantage of that Church or the benefit of the clergy. Young men knew, that unless they had some private patron or friend to give them a living, there was little prospect of their attaining a higher position than that of a curate. He thought, that if the Lord Chancellor had consulted the parishes, who were deeply interested in the matter, they would have preferred the patronage remaining in his hands to being sold and handed over to private patrons. If he wished to part with his patronage, it would not have been difficult to have appointed trustees to hold the livings in perpetuity, and to exercise the patronage for the benefit of the various parishes. There were 6,700 livings in the

gift of private patronage already, and he objected to the number being augmented. The Lord Chancellor had expressed his hope that the 320 livings would pass into the hands of as many landowners; but there was no security that 320 landowners would buy them, or that, if they did, they would keep them. The Lord Chancellor said he should not feel bound to accept the highest bid. If a landowner bid one sum, and a London banker bid a higher sum, the Lord Chancellor must either prefer the distant to the local patron, or sacrifice the interests of the Church by as much money as the difference between the bid of the landowner and the higher bid of the banker. In truth, the livings might pass into the hands of a Protestant or Papist, of a Conformist or a Nonconformist, and there was nothing in this Bill to prevent it. For these reasons he begged to move that it be read a second time on this day two months.

LORD HENLEY said, he had much pleasure in seconding the Amendment, and expressed his wonder that the Bill had not, before it reached its present stage, met with greater opposition. He could not allow it to proceed further without entering his protest against the development of that system which he believed to be the greatest blot upon the Church of England—he meant the selling of livings, which, if further extended, would tend towards the downfall of that Church. He considered that taking the patronage in those particular livings out of the hands of a great public functionary and selling them was disapproved of, not only by a large class of the members of the Church, but by a great number of clergymen and by Dissenters themselves. The young men who now entered the Church did so with a firm determination to work hard and do their duty, and he believed that they would refuse to be provided for by livings obtained for them in the manner proposed in the Bill. [*Laughter.*] He knew instances where such an offer would be refused by clergymen, and he knew landowners who would not engage in such a traffic. On one occasion the hon. Member for Birmingham (Mr. Bright), who fully represented the opinions of the Dissenters with regard to this subject, after speaking of the highest appointment in our Church, said if they left that altitude and came down somewhat lower, the Dissenters would find things which would shock them—out of 10,000 livings there were 5,000 or more

in the hands of private persons; and the hon. Gentleman further stated that the Nonconformists believed the system of selling Church livings was a departure from an original trust which attached to Church patronage, and an offence in the eye of reason and in the sight of Heaven. There was no difference between selling the office and selling the reversion to the office, except that in the latter case there was a great deal of gambling, the advowson being purchased as a provision for a youngerson, and the return of interest upon the outlay depending upon the death of the incumbent. That was the opinion the Dissenters held of this system—that was the way in which the Dissenters regarded this great blot on our system which the Bill proposed to increase, and make darker and deeper. There was a great deal of grumbling and uncertainty in this purchasing of advowsons, and in that respect he looked upon the proposition before them as a retrograde step in the Church of England, and one tending to endanger its position. The other night the House had presented to them the picture of an effete institution—which he would not say was dying out, because he believed it had never had any vitality in it—he meant the Church of Ireland. [*“Question!”*] What was the condition of the Church of England as compared with that of the Church of Ireland? The Church of Ireland contained, he believed, about one-eighth of the population of the country, while in England the Established Church comprised about one-half the population of the country. That was not so strong a position for a Church to be in as to warrant her in refusing to adapt herself to the wants and opinions of the age; and therefore he could not think it a wise movement to bring in this Bill, giving to the Lord Chancellor the power of increasing the traffic in livings by throwing into the market 428 livings. This Bill, however, instead of being a means of reform, was a measure of retrogression. It went in the wrong direction—a direction in which, if they continued, they would ultimately ruin the Church as an Establishment altogether. In no other profession, except the Church and the army, was the system of selling offices tolerated. But in the army the highest appointments were not sold; and he imagined that the sale of a bishopric would be rather too strong a measure even for the friends of this Bill. It was probably supposed that the duties

attached to the minor offices in the Church were of so routine a character that it did not much matter who performed them; but in his opinion the incumbency of a parish was a very important trust, which ought to be committed only to a fit man. In the last century clergymen performed their duties with coldness, indifference, and negligence, because they regarded their livings as their freehold property, and he believed that this measure would tend to revive the same state of things. He was afraid it would be impossible to prevent the Bill from being read the second time, but he hoped its clauses would undergo a careful scrutiny in Committee.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(*Mr. Barnes.*)

MR. HUBBARD said, that the noble Lord (Lord Henley) had given a complete caricature rather than a correct description of the system of Church patronage. No such practice as that of selling offices in the Church existed. The thing was unheard-of, and utterly illegal. What was really sold was the power which a man might possess of instituting or presenting for institution to a certain cure a person who, upon anterior qualifications, had been pronounced by his bishop to be worthy of a cure of souls. It was at his ordination and his institution by his bishop that a clergyman was found worthy of the office for which he was an aspirant. With regard to the 320 livings enumerated in the schedule to this Bill, the question really was, by whom should the office of presentation be exercised. He confessed he should have much preferred that the Lord Chancellor had found it consistent with his duties to find good incumbents for all of them. He must demur to the claim to high praise put forward by the noble Lord at the head of the Government on behalf of his noble and learned Friend in offering these livings to the public at large. Their value was from £100 to £150—a pittance so miserable that nobody cared to accept it. Yet, while the Lord Chancellor reserved to himself the really valuable pieces of patronage intrusted to him, merit was claimed to him because he got rid of all the dross and worthless portion of his patronage. He admitted that these 320 livings might be disposed of in a better manner than by the Lord Chancellor. It would, he thought,

be a great boon, both to the parishes and the incumbents, if the patronage of those livings fell into the hands of landed proprietors connected by property with the parishes themselves. Church patronage ought, as far as possible, to be locally connected with property. He conceived that this Bill, properly managed, might be the means of restoring these advowsons to the hands of those who by property, sympathies, and influence, would be by far the best administrators of such trusts. Although he did not think the Bill deserved all the censure cast upon it, he would not be sorry to see it withdrawn, in order that it might be re-introduced in a better form next Session.

MR. DILLWYN said, he had no doubt that the administration of these livings was a great bore to the Lord Chancellor; but he agreed that they ought to be regarded by that noble and learned Lord in the light of a public trust. A Church claiming to be a national Church ought to be administered by the Crown, by the authorities of the Church, or by public authorities of some sort or other. It was a great detraction from the character of the national Church to allow its living to fall into private hands, and upon that ground alone he should oppose the Bill.

MR. WALPOLE said, that the opponents of the Bill confounded two separate and distinct things—the sale of a living or office of trust, and the sale of an advowson or right of patronage. Public opinion was opposed to one, but not to the other. Public opinion would never tolerate that a vacant living should be sold; but in dealing with an advowson or right of patronage the question which arose was whether a transfer of the patronage from the Lord Chancellor to private hands, by means of which great benefit would be conferred upon the parishes for religious purposes, should not be allowed to pass into law. There was great doubt whether a private individual was not a better patron of Church livings than the Lord Chancellor. These livings, they all knew, were very much the objects of political influence; and he thought it objectionable that they should be placed in hands in which they must be so regarded. If the matter was to be regulated *de novo*, it certainly would be better that Church patronage should not be made the object of political influence. The main object of this Bill seemed to be forgotten, which was to remedy an evil familiar to them all—namely,

that in different parts of the country clergymen were unable, from want of a competency, to reside on their livings; and if it was possible by a legitimate transfer of patronage to increase their livings, and enable clergymen with a fair income to discharge their duties, they would be conferring a benefit on the parishes as well as on the cause of religion, and a great boon on the whole community, instead of violating a principle which the House would never allow. The opposition to this measure was somewhat peculiar, and it had over-looked the benefits which would really be conferred by the Bill. An effort had been made to induce the House to reject the Bill, as if it were founded on a principle which the House would never tolerate, but which was not at all involved in its provisions.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 179; Noes 29: Majority 150.

Main Question put, and *agreed to*.

Bill read 2°, and committed for Monday next.

#### FISHERIES (IRELAND) BILL

[SIR ROBERT PEEL]—[BILL 214.]

##### CONSIDERATION.

Bill, as amended, *considered*.

Clause amended, and *added*.

Amendment proposed,

In page 1, line 13, after the word "net," to insert the words "except such as were legally erected before one thousand eight hundred and forty-eight."—(Sir Hervey Bruce.)

Question, "That those words be there inserted," put, and *negatived*.

SIR HERVEY BRUCE proposed the omission in Clause 3 of the words "or any other waters."

Another Amendment proposed, in page 1, line 14, to leave out the words "or any other waters."—(Sir Hervey Bruce.)

SIR ROBERT PEEL said, that the question had been fought in Committee, and the Government did not wish to reopen it, and he hoped the hon. Member would not persist in his Motion.

SIR HERVEY BRUCE said, he should certainly divide the House—

But as two hon. Members could not be found for Tellers, there was no division.

Motion *negatived*.

Mr. Walpole

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to*.

Another Amendment proposed, in page 1, line 16, to leave out the words "or estuaries."—(Sir Hervey Bruce.)

Question, "That those words stand part of the Bill," put, and *agreed to*.

CAPTAIN STACPOOLE moved a clause that no person shall be eligible for the office of conservator in any electoral division in which he does not reside or possess property.

Clause *agreed to*, and *added* to the Bill.

MR. BUTT moved the addition of the following words in Clause 1, line 16:—"as same shall be defined by the Commissioners under this Act." The object of the Amendment was to provide that bag nets should not be removable from any space within three miles of the mouths of estuaries or rivers, until the Commissioners should have defined those boundaries. Unless the words were agreed to, the clause would include every brook and small river in Ireland.

Another Amendment proposed, in page 1, line 16, to add, at the end of Clause 1, the words "as same shall be defined by the Commissioners under this Act."—(Mr. Butt.)

MR. LONGFIELD opposed the Amendment, which, as far as it would have any effect, would interfere with the operation of the Bill.

SIR EDWARD GROGAN thought the Bill would be inoperative unless such a definition were provided for.

MR. H. A. BRUCE saw no objection to the insertion of the words.

Question put, "That those words be there added."

The House divided:—Ayes 53; Noes 55: Majority 2.

MR. HASSARD then moved another Amendment in the clause. If the bag nets were left to be dealt with by the proprietors, the result would be a great deal of animosity and bloodshed.

Another Amendment proposed,

In page 2, line 3, after the word "destroyed," to insert the words "by the Commissioners to be appointed as hereinafter mentioned."—(Mr. Hassard.)

Question proposed, "That those words be there inserted."

MR. O'HAGAN (Attorney General for Ireland) assented to the Amendment.

MR. M'MAHON said, a similar Amendment had been proposed in Committee, and the Government did not then attempt to support it. The effect of the Amendment would be to deprive magistrates of the power of enforcing their own convictions.

Question put.

The House divided :— Ayes 38 ; Noes 60 : Majority 22.

MR. HERBERT then moved a proviso to carry out a suggestion which he had made at a previous stage. The Committee had already agreed to respect the rights of stake net proprietors as settled by the Act of 1842. The same Act gave rights to the owners and proprietors of bag nets which ought to be respected, and his proviso had that object. He had proposed ten years in Committee, but he was prepared to accept five years as the term during which bag nets might be used.

Another Amendment proposed,

To add, at the end of Clause 3, the following words, "Provided, That in any case in which any bag net shall be removable under the provisions of this Act, and which but for the passing of this Act might have been legally continued, and it shall appear to the Commissioners that by reason of the nature or situation of the shore the fishing cannot be carried on by stake nets, the Commissioners may, if it shall appear just to them so to do, by warrant under their hands and seal, permit such bag net to continue to be used for a limited time, as hereinafter mentioned, subject nevertheless to such regulations and restrictions as the Commissioners may prescribe."—(Mr. Herbert.)

Question proposed, "That those words be there added."

MR. R. HODGSON thought the House had a right to complain that the opponents of this Bill were appealing to the House on the Report against every decision come to in Committee. He thought it was the duty of the Government to stand by the Bill as it came from the Committee, instead of giving an underhand support to these Motions.

SIR ROBERT PEEL said, that the Government were prepared to stand by the Bill as it left the Committee. He trusted that his right hon. Friend would not press his proviso.

MR. BUTT supported the Amendment. The Committee had taken away the property which many persons had in bag nets, and this Amendment was to continue it for a limited time.

MR. MONSELL appealed to the right hon. Gentleman (Mr. Herbert) whether he would persevere in the Amendment. He

voted with him in Committee; but as they had been beaten, he thought they ought to submit.

Amendment, by leave, *withdrawn*.

SIR HERVEY BRUCE moved in Clause 4, line 13, to leave out from "trout" to "shall," in line 14, with the view of inserting "at the passing of this Act."

Another Amendment proposed,

In page 2, line 13, to leave out from the word "trout" to the word "shall," in line 14, in order to insert the words "at the passing of this Act."—(Sir Hervey Bruce.)

MR. H. A. BRUCE was willing to agree to the Amendment, provided the words "during the open season of 1862" were inserted, instead of "at the passing of this Act." The clause would then apply to bag nets or stake nets that were at that time legally erected.

Question, "That the words proposed to be left out stand part of the Bill," put, and *negatived*.

Question, "That the words 'at the passing of this Act' be there inserted," put, and *negatived*.

Amendment proposed, to insert the words "during the open season of 1862."—(Mr. Bruce.)

Question, "That those words be there inserted," put, and *agreed to*.

Another Amendment proposed,

In page 3, line 4, to leave out from the word "given," to the end of the Clause, in order to insert the words "and that such fixed net has been erected in pursuance of the provisions of the said Act,"—(Mr. Butt.)

—instead thereof.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to*.

Amendments made.

Another Amendment proposed,

In page 4, line 13, to leave out the word "fifty," in order to insert the word "forty,"—(Mr. Francis Russell.)

—instead thereof.

Question, "That the word 'fifty' stand part of the Bill," put, and *agreed to*.

Amendments made.

Another Amendment proposed,

In page 8, line 5, after the word "it," to insert the words "And it shall not be lawful for any person or persons to stretch or use any net more than two-thirds across a river, to be measured from bank on one side, or to use or stretch a second net within two hundred yards of the first net, while said first net is in the water, or to use

any net for the capture of salmon or trout in the inland or fresh water portions of rivers."—(*Sir Hervey Bruce.*)

Question, "That those words be there inserted," put, and *negatived*.

Another Amendment proposed, in page 9, line 7, after the word "all," to insert the words "fishing weirs."—(*Sir Hervey Bruce.*)

Question, "That those words be there inserted," put, and *negatived*.

Amendment proposed,

In line 8, to leave out from the word "or," to the end of the Clause, in order to insert the words "from six of the clock on Saturday morning until six of the clock on the following Monday evening,"—(*Sir Hervey Bruce.*)

—instead thereof.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to*.

An Amendment made.

Another Amendment proposed, in page 10, line 14, after the word "duty," to insert the words "by himself or tenant."—(*Sir Hervey Bruce.*)

Question, "That those words be there inserted," put, and *negatived*.

An Amendment made.

Another Amendment proposed,

At the end of Clause 43, to add the following words, "Provided that nothing in this Act contained shall be deemed or taken to authorize any interference with or interruption to any works which may have been erected for the supply of water to any town or place, in pursuance of any Act of Parliament, and such works may be maintained and continued as if this Act had not passed: Provided always, That the owners of such works shall be subject to the provisions of Section twenty-eight of this Act, for the protection of the young of Salmon."—(*Mr. Maguire.*)

Question, "That those words be there added," put, and *negatived*.

Bill to be read 3<sup>o</sup> *To-morrow*.

#### INDIA STOCK [REMUNERATION].

*Considered in Committee.*

(In the Committee.)

*Resolved*, That it is expedient to authorize the payment to the Governor and Company of the Bank of England, out of the Revenues of India, of such remuneration as may be agreed upon between the Secretary of State for India in Council and the said Governor and Company, on account of the additional trouble, expense, and responsibility, if any, imposed on the said Governor and Company by any Act of the present Session for giving further facilities to the holders of India Stock.

Resolution to be reported *To-morrow*.

#### INDIA STOCK BILL.

Committee *deferred till To-morrow*.

#### GREENWICH HOSPITAL (PROVISION FOR WIDOWS) BILL [BILL 200.]

COMMITTEE.

Bill *considered in Committee.*

(In the Committee.)

MR. ADAM said, he was informed that the clause of which he had given notice was beyond the scope of the measure. The fact was that this Bill did not deal at all with the real abuses of Greenwich Hospital. It was only a sop intended to serve as an excuse for not making any real and comprehensive reforms in the institution. If the Admiralty did not set themselves earnestly to deal with the subject, he should next Session invite the House to legislate in regard to it.

House *resumed*:—Bill *reported*, without Amendment; to be read 3<sup>o</sup> *To-morrow*.

#### GROWING CROPS SEIZURE (IRELAND) BILL—[BILL 211.]—COMMITTEE.

Bill *considered in Committee.*

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Growing Crops not to be seized under Civil Bill Decrees or Justices' Orders.)

MR. LONGFIELD moved the insertion of words extending the operation of the Bill to executions out of the superior courts.

Amendment proposed, in line 8, after the word "execution," to insert the words "from a superior court, or".—(*Mr. Longfield.*)

Question proposed, "That those words be there inserted."

MR. O'HAGAN (Attorney General for Ireland) opposed the Amendment, which was supported by Mr. WHITESIDE and Mr. M'MAHON.

Whereupon Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Selater-Booth.*)

Motion, by leave, *withdrawn*.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 18; Noes 39: Majority 21.

House *resumed*:—Bill *reported*, without Amendment; to be read 3<sup>o</sup> *To-morrow*.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House *adjourned at a quarter before Two o'clock*.

## HOUSE OF LORDS,

Friday, July 10, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—*Misappropriation by Servants*\* (No. 204); *Clergymen (Colonies)* [H.L.] (No. 205.)

*Second Reading*—*Removal of Irish Poor*\* (No. 183); *Marriages Registration (Ireland)*\* (No. 165); *Sir Robert Hitcham's Charity*\* (No. 147); *Ruthin Charities*\* (No. 166); *Police and Improvement (Scotland) (Provisional Order)*\* (No. 191).

*Select Committee—Report*—*Metropolis Turnpike Roads Acts Amendment*\*.

*Committee*—*Colonial Letters Patent* [H.L.]\* (No. 189); *Poor Law Board Continuance*\* (No. 187); *Loan Societies*\* (No. 188).

*Report*—*Colonial Letters Patent* [H.L.]\*; *Poor Law Board Continuance*\*; *Loan Societies*\*.

*Third Reading*—*British Columbia Boundaries* [H.L.] (No. 149); *Statute Law Revision* [H.L.]\* (No. 133); *Public Works (Manufacturing Districts)*\* (No. 203); *Thames Embankment (South Side)*\* (No. 162); *Militia Ballots Suspension*\* (No. 190); *Walmer Vesting*\* (No. 167); and severally *passed*.

## POLAND.—OBSERVATIONS.

EARL RUSSELL: My Lords, my noble Friend on the cross benches (Earl Grey) asked me the other day whether it would be convenient that Monday next should be fixed for a discussion upon the Affairs of Poland, and I answered him by saying, that if there was no prospect of inconvenience, I certainly should not object to it, but I might ask him to postpone the debate for two or three days. I have found, by a telegraphic despatch received to-day, that the Russian answer to the proposals of the three Powers will not be sent off until the 14th or 15th instant, and therefore will probably not be in the hands of Her Majesty's Government until the commencement of the week after next. That would probably be too long to ask my noble Friend to postpone any discussion he wishes to raise, and therefore I have no objection to make to his proceeding with the debate on Monday. In order that he may do so with more knowledge of what has taken place, I propose to lay on the table the despatch which was written on the part of Great Britain, and which contains the six points of the arrangement recommended to Russia.

The noble Earl then *presented* (by command), Correspondence respecting the Insurrection in Poland, Part III.

## JAPAN.—ADDRESS FOR PAPERS.

THE EARL OF CARNARVON, on rising to call attention to our Relations with

Japan, and to move for certain papers, said: My Lords, about a fortnight ago the mail from Japan brought intelligence that Her Majesty's Chargé d'Affaires in that country had been instructed to forward an ultimatum to the Government of Japan, with a threat of immediate war unless that ultimatum was complied with. What the terms of the ultimatum may be, what the circumstances of the case, and what the intentions of Her Majesty's Government, I hope the House will hear this evening from the noble Earl the Secretary of State for Foreign Affairs. It is quite true, that within the last day or so, there has appeared some intimation of a more satisfactory issue of this serious state of affairs; but, at the same time, your Lordships have been furnished with no positive information on the subject, and it is important to know what may result from the events that have occurred. Perhaps, before I make any further remarks on the case, I may be allowed to remind the House of the position in which we stand in reference to Japan. About 260 years ago a revolution and a civil war took place in that country, and the upshot was that a very successful man was raised to paramount power. His first Act was to deprive the legitimate Sovereign of all political power, though he was still surrounded with all the dignity of a court; and a rival authority was set up, and thus was raised that curious species of double Government which is so well known to prevail in Japan. As time went on, the great Princes began to re-assert their rights, and at the present moment the Tycoon appears to be the hereditary chief of the executive Government, supported by a powerful army and a multitude of agents. His power, however, is subject to certain qualifications, and he is, practically speaking, in the hands of his own Ministers. He is exposed to unceasing jealousies on the part of the legitimate sovereigns, who are prepared at any moment to coalesce against him, and to subvert his sovereignty, and he is exposed to unceasing intrigues on the part of others. Such, so far as we know it, is the state of affairs in Japan. Your Lordships are aware that that country has for the last 240 or 250 years maintained a complete commercial and political isolation. Latterly, however, owing perhaps in some degree to the European wars with China, a desire for a wider commerce and intercourse with foreign countries has sprung up. In 1853, however, an American fleet appeared in those waters, and negotiations were entered



into by the American Commodore, with the view of entering into a treaty. Great disputes arose at the time, a great schism arose against the reigning Tycoon for assenting to the proposals; but the Tycoon sided with the more liberal party, and finally communicated to the American Commodore that he agreed to the treaty. It is important to know that the Tycoon paid the penalty of that act with his life—he perished mysteriously in his own palace, and the party who adhered to his views were either disgraced or banished. In 1854 the American fleet re-appeared, and the treaty was signed. A few months after the signature of that treaty, Sir James Stirling, our Admiral in those waters, concluded a similar treaty with the Japanese Government for the purpose of opening the ports of Japan to British commerce, and treaties were likewise entered into with France, Russia, and Holland. Again the Tycoon underwent the fate of his predecessor, being assassinated within the walls of his palace; and so great was the antagonism of the ruling classes that the Foreign Office was attacked in daylight, and surrounded by 500 or 600 men, and one of the principal Ministers murdered. This showed how strong was the opposition of the ruling classes of the land against increased intercourse. But the feeling of opposition was not confined in its display against their own countrymen. Some years afterwards, however, on the arrival of the first European merchants there, a long series of murders was commenced, full of political significance. Russians, English, French, and Americans became in turn the victims of a systematic course of assassination. There were three great outrages in which all these murders culminated. On the 26th of June 1861, one or two assassins made their way into the English legation, and murdered two sentries. In the following year, on the anniversary of this occurrence, a much more serious assault took place. A large band, having obtained the countersign, got access to the inclosure of the legation, and great bloodshed ensued. When a remonstrance was made to the Japanese Government on the subject, they expressed their deep regret and horror, and it is but fair to say that the explanation given by the Japanese Minister was such as to impress our Ministers that his Government would do their best to prevent the renewal of such outrages and to bring the offenders to justice. However, in the month of August last year three English merchants

*The Earl of Carnarvon*

and an English lady riding along the roadside met a large body of men, who attacked them in the most violent and ferocious manner. Two were wounded; one was foully murdered; the lady having escaped principally owing to the speed of her horse. Remonstrances again were made, and again the Japanese Government expressed their abhorrence of the outrage and their determination to bring the offenders to justice. This is the stage at which the papers before us leave matters. Lieutenant Colonel Neale, writing on the 1st of October, uses these words—

“It remains for me only to add, that the impression produced upon myself and upon Admiral Kuper by the general tone, spirit, and demeanour of the Japanese Ministers upon this occasion was of the most satisfactory nature. The Ministers, though evidently much embarrassed by the circumstances attending the outrage under discussion (for the participants, without contradiction, consisted of the adherents and retinue of the Prince of Satsuma, one of the most powerful vassals of this empire, and invested with high privileges and quasi independent powers in his own domains), still exhibited, in their replies to my observations, the most decided intention of acting to the utmost limits of their power while directing the arrest and punishment of the perpetrators of the outrage which had been committed.”

On the 29th of October he again writes—

“The Japanese Ministers have replied to my remonstrances by a letter, the tone of which appears to me to convey a due sense of the responsibilities which weigh upon the Tycoon's Government. I have the satisfaction of adding that in respect to the adoption of every effort on the part of the Japanese Government to avert the recurrence of a similar catastrophe, there are no just grounds of complaint.”

That is the point at which the correspondence breaks off, and I trust the noble Earl the Secretary for Foreign Affairs will be able to explain to us what the circumstances are which have arisen and so entirely altered the complexion of this matter as to render it necessary for Her Majesty's Government to assume the grave responsibility of initiating a war with Japan. I will not argue upon an hypothesis, but, looking at the very serious nature of the consequences which may follow, I ask the House to look at this matter, not merely from an English, but from a Japanese point of view. What was the condition of Japan previous to the year 1858? For generations and generations they have maintained a rigid state of political and commercial isolation. We came in and determined to obtain a relaxation, if possible; and never was there a case in which another State more deliberately and completely forced upon a reluctant people treaties of commerce and

navigation than we forced our treaties upon the reluctant Japanese. For those treaties the Tycoon requires the confirmation of the spiritual and legitimate Sovereign, and we know that that confirmation was never made. We know, further, that the Tycoon, by whose authority the treaty with us was professed to be concluded, died three or four days previously, and that he was not in existence at the date of the treaty. We know as a matter of fact that by their constitution, which is one of great antiquity and sanctity, the presence of all foreigners is denounced, and that it is enjoined as the duty of all Japanese to abstain from dealing with them. But, assuming that the Treaty of 1858 was validly executed, it cannot be unilateral. Every treaty is a compact between two parties, and each is bound to fulfil the obligations which it engages to perform. But if the Japanese Government, whether *de jure* or *de facto*, have departed from the spirit of the Treaty of 1858, I do not think we come into court altogether with clean hands. I have the authority of a gentleman who knows the Japanese better than any other Englishman—I mean Sir Rutherford Alcock—for saying that over and over again acts have been committed by us which, although very trifling in appearance, convey to the Japanese the idea of the direst insults. He says, that nowhere has there been a greater influx of rude and dissolute foreigners than into Japan; and that nowhere have the foreign Consuls and agents a greater difficulty in restraining the people of their respective countries. By sailors and by the less respectable of the merchants every advantage has been taken in matters of currency, trade, and social life. One of the first instances in which the Japanese and English came into collision was one in which an English merchant was deeply in the wrong. Access to a certain portion of the domain of the Tycoon is forbidden. An English merchant went there to shoot a certain description of wild fowl, which were invested with a character of great sanctity. He was stopped by the police in the strict execution of his duty. He was not treated violently or roughly; but he lowered his gun and shot the policeman, who was merely doing his duty. The offender escaped with impunity, and I shall be glad to hear from the noble Lord what steps have been taken to visit him with punishment. I have no doubt that in time, if we preserve our relations with the Japanese, we shall secure all the advantages

which we have in view; but unfortunately it so happens that at this moment we have nothing to give to the Japanese which they care to have, and the Japanese themselves require the articles with which we wish to be supplied; and there are thus absent in that case all the usual elements of a flourishing trade. There is in Japan, as compared with this country, an extraordinary disproportion between the relative values of silver and gold, and gold was in consequence exported by our merchants at a premium of 200 or 300 per cent. These operations frightened the Japanese traders, and drove the Japanese Government almost to a state of desperation. It is true that we carry on a more legitimate commerce in oil, silk, and other articles; but these are not articles of luxury to the Japanese. They are positive necessities of life, and consequently their enhanced price has been severely felt by persons of small income and the lower class of officials. It is all very well to say it is very unreasonable on the part of the Japanese people to object to trade, but we are bound to make allowances for a nation who are 300 years behind us in the knowledge of political economy. I doubt very much whether England, 300 years ago, would have borne with such patience as Japan so sudden and so violent a revolution of previous notions as to trade, commercial intercourse, government, and constitution. Lastly, there is ample evidence in these papers that in attempting to fulfil the terms of the treaty the Japanese executive Government have no easy task in hand, and that they are systematically countermined and intrigued against by the great feudal chiefs. In March of last year Sir Rutherford Alcock writes—

“That the Government of the Tycoon has real difficulties of no ordinary kind and actual dangers to contend with, threatening the dynasty and the existence of the Government, I am quite satisfied. That they believe this, with means of information to which no foreigner can pretend, has been placed beyond all doubt in my mind by what has transpired during these negotiations and my present sojourn in Yeddo. Against the assaults of their enemies they feel weak, it is plain, and to strengthen their position would risk or concede much.”

He states that certain concessions have been made, and proceeds—

“It is necessary to have lived in Japan, I believe, to have seen daily and hourly the suspicion and jealousy of the ruling powers in all that concerns unrestricted intercourse with foreigners, to understand how much is involved in such a step.”

And he further says—

"They feel at this moment so vehemently pressed between two great dangers, the one from within and the other from without, that their unwillingness to guarantee anything, I think the best trait in the character of those at the helm I have known, for I am certain it arises from a conviction of utter powerlessness to answer for the future."

We ought, under these circumstances, to be somewhat forbearing, and to strain a point in favour of the party in Japan which is favourable to us. It is possible that we may be obliged to go to war—though I, for one, do not admit that it is a necessary and proper remedy for the state of things which I have described. But I will assume, for the sake of argument, that it may be necessary to go to war, and I appeal to Her Majesty's Government not to commit us to hostilities until they have calmly and deliberately calculated all the contingencies. It is a standing reproach to our foreign policy that we never receive explanations until we are committed to an Eastern war. Often we never hear of the circumstances which have brought on hostilities until the Chancellor of the Exchequer comes down to Parliament and presents us with a formidable Bill. Let us first understand distinctly what we are committing ourselves to, and then, if you please, go to war. There is a great discrepancy in the accounts of the character and resources of this people; but all agree that they are numerous and warlike, passionately addicted to the profession of arms—in fact, they closely resemble the Sikhs in this respect; and your Lordships know how critical, dangerous, and costly was our war with that people. They are a people among whom a strong feeling of exclusive nationality prevails, and they are bound together by a rigid system of feudalism and unlimited devotion to their chiefs. I do not pretend to say that the issue of a conflict between England and Japan would be doubtful, but there are elements which, in counting the bloodshed and the expense of such a war, no reasonable man would pass over. From the very nature of the case, such a war must be costly, because you will have to carry on land operations. Your ships are practically of little use to you: you may sail round the coast and destroy a town or two, and ravage the territories of those who are your best friends there; but you will not advance a step towards the attainment of your object. Such a mode of carrying on the war would be suicidal—it would be aiming your blows at the executive Government

*The Earl of Carnarvon*

of the Tycoon, which is the one party friendly to you. The noble Earl the Secretary for Foreign Affairs, in one of his despatches, said, "Better a hundred times that the palace of the Tycoon should be destroyed than that our treaty rights should be violated." Such language as that, I think, is to be deprecated, not only because of the stimulus which it gives to our Admirals and Generals—always too ready to act in these cases—to commit such acts, but because it prejudges the question, and to act upon it would be a most suicidal policy. If you go to war, you must either support the Tycoon and enable him to triumph over his antagonists, and so gain your object through him, or you must declare a war of extermination against the Daimios. I suppose the Government would not adopt the suicidal policy of attacking the Tycoon, our single friend in Japan. But if we were to attack the Daimios, you must march inland; and if you march inland, you must have a powerful force. That force—10,000, 15,000, or 20,000 as the case may be—you must either transport from India, China or the Cape of Good Hope, or else you must do that which you have been doing of late years, and which I think so fatal—you must have recourse to a combined military expedition with some other Power. I object to these combined military expeditions. They answer no practical object—they do not secure the object you have in view—they commit you to acts which are not understood in England; and so far from fostering any real cordiality of action between the officers and troops of the two Powers, I believe they only engender dissatisfaction and jealousy. If you carry on this war singly, just consider the enormous cost imposed upon you. I have searched in vain through the records of Parliament for information as to the real cost of an Eastern war; but we do know that they amount to five, six, seven, eight, and nine millions. Are you prepared to incur such a cost for the sake of an export trade which now amounts to £14,000 a year? Consider the jealousy you will excite in other Powers who are parties to the treaties. It is no offence to other Powers to say that they have all their own objects in view. America, Russia, and France have never attempted to conceal that they have their own objects; and it is not likely that we may be involved in misunderstandings with them. Lastly, I ask the House, what would be the ultimate result? To my mind the ultimate result is even more

formidable than the war itself, and all its expenditure. Every war comes to an end some time, and sooner or later we get the last of the bill; but there is no end to the gradual acquisition of territory to which these wars lead. If you conquer—and conquer you no doubt would—you will require some indemnity from the enemy; that indemnity will have to be secured by the presence of troops. In course of time, the territory which they occupy will be found to be too small, and so will come a yearly increase of cost, bloodshed, responsibility, weakness, and danger. During the last two years we have taken a fearful stride in this direction on the neighbouring continent of Asia. Her Majesty's Government have now confidently made themselves the trustees for the government of some 300,000,000 of human beings. They cannot say that they were surprised into this act. All through 1861 they professed the most complete neutrality; but before twelve months were over we saw Orders in Council issued, under which several officers were empowered—and subsequently other officers indiscriminately were encouraged, invited, and stimulated—to take service under the Emperor of China. It is obvious, that if this course is to be pursued, China will be a second India. There things began in a very small way; but it is the history we have seen played out in India during the last two or three generations. It begins with a small handful of traders settling themselves on some small plot of territory for the purposes of trade. By-and-by they find that they want protection, and a gunboat or two is brought up—a difficulty arises—a message is sent off to the nearest naval station—ships are turned up, troops are disembarked, a collision takes place, and the little settlement expands irresistibly into universal empire. Statesmen of all parties have in vain deplored this course of action, and it behoves Her Majesty's Government in the present day to be careful not to lead this country further in that direction. If you desire to inflict punishment on the Japanese for the outrages which have been committed, exact whatever reparation you think desirable after calm consideration, if you can bring the penalty home to the real perpetrators; but do not commit this country to a long, bloody, and costly Oriental war. Extended commerce and new markets are great advantages, if they can be obtained by peaceful means and fair negotiation, but their whole value is lost when

they are extracted by force of arms. My Lords, I beg to move—

That an humble Address be presented to Her Majesty for, Copies of any Instructions given by Her Majesty's Government to Her Majesty's Diplomatic Servants in Japan, or to the Officers in Command of Her Majesty's Land or Naval Forces to make Demands upon the Government of Japan, with the Alternative of immediate Hostilities on, the Rejection of such Demands."

EARL RUSSELL: My Lords, I confess I am a good deal surprised at the statement which the noble Earl has just made. For three-quarters of an hour the noble Earl has drawn on his imagination for his facts—or supposed facts—and it was only during the last five minutes of his speech that he adverted to what is really the subject of his Motion. I do not feel it necessary to go into the question of the history or constitution of Japan, or into that of the expediency or non-expediency of making treaties with Japan;—I do not feel it necessary to defend a policy which I thought every one agreed in. I did not know that the proceedings of Admiral Stirling or those of Lord Elgin in making treaties with Japan had been disapproved by this House. I considered—when I came into office and found that those treaties had been made, that English merchants were trading in Japan, and that Consuls had been appointed—that it was my duty to see those treaties carried into effect, and to see that the persons of British subjects were protected. That may have been a very low view of mine. There was nothing romantic about it, certainly; but it was the view I took of the duty which I had to perform. Then, what are the facts with respect to those transactions in Japan? Sir Rutherford Alcock, being established in his mission, had a certain position granted to him by the Japanese Government. An attack was made at night on the Legation by a considerable number of assassins, who broke into the space surrounding the house. Sir Rutherford Alcock himself was very near being murdered, and only escaped by a mistake on the part of one of the assassins, and by Mr. Morrison having fired a revolver, which saved the lives of the members of the Legation. It is not to be expected that an occurrence like that could have taken place without giving rise to unpleasant feelings on our part in respect to our relations with Japan. The Secretary of the Legation, Mr. Oliphant, received a severe wound in the hand from one of the assassins concerned in that attack. The

next thing of the same kind, as the noble Earl has stated, was an attack made on two marines who were on guard near the Legation, both of whom received fatal wounds from weapons which the attacking party carried about them. Again, in the month of September 1862, three British merchants and a lady who was in their company were attacked on the high road between Kanagawa and Kawasaki. The party consisted of three gentlemen, Mr. Marshall, Mr. Clarke, and Mr. Richardson, and Mrs. Borrodaile. They were riding along the high road when they met a cavalcade which was accompanying a Japanese official from Yeddo to Miako. They drew up on one side of the road to let the procession pass, but were immediately attacked by a number of the retainers of the Prince of Satsuma. Mr. Richardson was murdered, and the lady escaped, covered with blood and having her dress in disorder, to the next town, where she reported what had taken place. Well, it appeared to me that it was my duty to ask for redress for these outrages. The noble Earl has delivered what is, no doubt, a very good philosophical disquisition on the habits of different nations. It is, I dare say, quite true that some of the Japanese have it impressed on their minds that no foreigners should be allowed to remain on the high road when one of the great Daimios is passing in procession; many of them, no doubt, think that no foreigners ought to be admitted into Japan at all; and numbers of them may be bound up in a combination, deriving its origin in religious motives, and having for its object to carry those views into effect. But are we to consider that a sufficient reason for the murder of British subjects? Are we to hold that the Japanese or any other people should be allowed to murder any British subjects they like, if it can be shown that they are banded together to commit murder through religious feelings? As well might you say, that if there existed a community of Thugs in a nation with which you had relations, you would be justified in permitting them, in execution of vows binding them together, to commit murders upon British subjects. I cannot conceive that such a proposition could be asserted by any one. We have a treaty with Japan; we have British merchants living in Japan under that treaty; and this road on which the last attack was made is one on which English subjects are allowed to walk or ride under the stipulations of that treaty.

*Earl Russell*

Under those circumstances, I think it was my bounden duty to demand redress. But the noble Earl seems to suppose, that because I demanded redress for these outrages, that I sent out orders to declare immediate war. That is entirely the creature of his own imagination. In the first case what I asked for was that the criminals should be punished. That was done, and three persons said to be implicated were executed. In the second case we demanded a large pecuniary fine for the families of the marines who had been slaughtered. With regard to this case, the deed was done openly in the day time, and no person has been brought to justice or even arrested for those murders. The noble Earl at the end of his speech said that it was just to ask for reparation. That is exactly what we have done. It was just possible that reparation might be refused, and therefore it was necessary for Her Majesty's Government to send instructions to prepare for such an event. I am not prepared to communicate those instructions to the House at present, because I am in daily expectation of an answer to our demand. At the time the last accounts left, a certain number of days had been given for the reply of the Government of Japan, and the time had nearly expired. We have gone upon the principle that the Tycoon Government is, at all events, the *de facto* Government with which the treaty was made—it was the Government with which Lord Elgin and the British Government treated. The general character of our demand is this—that the Tycoon's Government shall pay a considerable sum of money in consequence of our treaty rights having been violated. We have not asked the Tycoon, whose power we know is limited, to punish the offenders in the last attack; but as these men were in the retinue of the Prince of Satsuma, we have directed the Admiral to take measures to obtain at the hands of that Daimio the punishment of those murderers. This great Daimio has a castle on the coast, in which, as we are informed, he is not only protecting the assassins, but boasting of the murder which they have committed. We have thought it right to make him responsible; and in a country like Japan I know no other principle on which the British Government can proceed, except we are to be entirely indifferent to the murder of British subjects. The noble Earl, having assumed that we were about to make war, proceeded to tell us about the difficulties of carrying

on war in such a country as Japan. He explained to us, that if we destroyed all the towns on the coast, that would not bring the Japanese Government to reason, and that we could not send a land expedition into the country without resolving on the conquest of Japan, the fatal result of which he also took the pains of pointing out. These are all matters which your Lordships may consider at a future time, if any proposition which the Government may put forward should make them bear upon the case. But we have no such projects. We have simply demanded reparation ; and the last rumours from Japan are to the effect that reparation will be made. When we receive the answer of the Japanese Government, the whole of the instructions shall be laid before your Lordships. For my own part, so far from desiring to destroy the authority of the Tycoon, as the noble Earl says, I shall be very glad to see the authority of the Tycoon maintained, and the authority of the Daimios diminished. At the same time, it is not for us to say which shall be the more powerful party in Japan, or which part of their feudal institutions shall remain, and which shall be done away with. What we endeavoured to perform is a very plain duty—to ask whoever has the chief authority in Japan to redress the injuries of British subjects ; and when murders have been committed, to ask for the punishment of those who have committed them. The noble Earl described the commerce of Japan as not very important. But it is a growing commerce, and I think their exports have already amounted to £700,000. The exports of tea and silk are very valuable, and the Japanese generally have not the abhorrence of foreign trade which is described ; on the contrary, they seem satisfied of the advantage of selling their products to such excellent customers as the English. As to our original policy in Japan, I think it a right one, but I am not bound to maintain it. What I am bound to do is to require that our treaties with the Japanese should be observed. But to say, "Some of the Japanese have a prejudice against trade, and therefore we will abandon the country and leave our merchants to shift for themselves,"—that is not the duty which I am called upon to perform. The noble Earl has talked of what has taken place in China. When the present Government came into office, we found that a fleet which was conveying a Minister sent to ratify a treaty had been attacked and discomfited, 400 or 500 men

being killed and wounded. We took measures to put the British Power on a better footing than it then appeared to have, and to have the treaty ratified which the Chinese Government had made. No doubt it was a costly expedition, but no expedition has better answered its purpose ; and I think it was a wise course on our part. Lord Elgin may have thought that the force was greater than was necessary ; but, in my opinion, it was wise to send such a force as could not be resisted by the Chinese. We went to Pekin ; we took the capital ; the treaty was ratified ; the Government of China felt our power, and at the same time, by the prudent and judicious conduct of Sir Frederick Bruce, who is now our Minister at Pekin, the advantages of friendly intercourse have been explained to the Chinese Government. No doubt there have been some cases in which our merchants, too eager to push trade, have violated the regulations which have been made by the Chinese Government ; but in every case Sir Frederick Bruce has said, "If you make a complaint to me, I will take care that English merchants shall not attempt by force to obtain anything which is not our right by the treaty, and which we cannot fairly claim ; and if you seize an English vessel in the act of smuggling or of breaking your trade regulations, I will not employ an English naval force to assist in supporting any wrong done to the Chinese authorities." I believe that that is the right course to pursue. I believe, that while you ought to exact a reparation for every wrong and for every personal injury, you ought not to support your merchants and traders, some of them very speculative and ready probably to employ not very scrupulous agents, in violating the Chinese laws or in doing anything opposed to the treaties. Proceeding upon these principles, Sir Frederick Bruce has acquired the entire confidence of the Prime Minister and Regent of China ; and where one of the treaty ports was assailed we have, in concert with Prince Kung, defended British property and at the same time protected Chinese interests. The consequence is that we are on terms of peace and friendship with a country of 400,000,000 of people, and are carrying on a most profitable trade with the empire—a trade which brings into the revenue of the British Custom-house many millions a year. That is a successful and also a just policy. It is agreeable to the rights we have obtained by treaty, and it inspires confidence.

in the Chinese. With regard to the Motion of the noble Earl, as soon as these answers arrive from the Japanese Government I will produce them, and my noble Friend will then have the power of correcting his impressions by seeing what are the real facts of the case.

EARL GREY: My Lords, my noble Friend began his speech by expressing his surprise that my noble Friend near me (the Earl of Carnarvon), in dwelling upon these matters, had drawn entirely from his imagination. Now, having listened attentively to the discussion, as far as it has hitherto proceeded, it appears to me that there never was a speech more properly called forth by the circumstances in which we are placed than the speech of the noble Earl. It was, it seems to me, effective, appropriate, and directly addressed to the facts of the case. When we know from the newspapers that Her Majesty's Government are pursuing a course which may involve this country in a bloody and costly war, I think it is time to ask what is the policy by which they are guided, and what are the ends at which they are aiming. In the old time, whenever the Crown took measures likely to lead to hostilities, the invariable practice was for the Crown formally to communicate with both Houses, and ask for support in the measures which were thought necessary. So now, when we may be involved in war with Japan, it seems but reasonable to expect from Her Majesty's Government some account of their policy. I regret, however, to find that my noble Friend the Secretary of State for Foreign Affairs has declined to give us any information whatever. He says, "Our only object is to enforce the observances of treaties." He adds, that he never heard anybody object to the treaties concluded with Japan, that they have been broken, and that it is our duty to press for reparation and redress for the wrongs done to British subjects. Now, I agree with my noble Friend that it is the duty of Her Majesty's Government to obtain redress for wrongs inflicted on British subjects, and to enforce the rights of this country against foreign nations. But I must say that his statement of the facts is somewhat defective. The noble Earl near me (the Earl of Carnarvon) asked whether we came into this business with clean hands. Now, this is a most important question when we have to consider whether we are justified in going to war, and I must beg to call

*Earl Russell*

your attention to the facts that bear upon it. I state them on the authority of Sir Rutherford Alcock, and I know of no higher authority. In the first place, we compelled Japan by direct fear to conclude a treaty to which she was averse. Sir Rutherford Alcock, in his despatches, but more so in his book, over and over again says that this was not a voluntary treaty on the part of Japan, but it was a treaty extorted from Japan under fear and by force. The American Minister, by making skilful use of the terror caused by the operations of the British and French forces in China, obtained from Japan a treaty; and having made this concession, when our Ambassador came to demand a treaty, supported by an armed force, the Japanese could not refuse to give to us privileges which, if withheld, would, they were led to believe, be extorted from them by force. In his account of a conversation with the Ministers of Japan, Sir Rutherford Alcock says:

"I explained to them that the time had come when the alternative was their agreeing to friendly intercourse with Western nations or being sooner or later subjected by one of those nations."

He distinctly put to them that that was the alternative, and under that impression Sir Rutherford Alcock tells us the treaty was obtained. Well, we dictated the terms of the treaty, and by it we totally ignored the interests and the fair rights of the Japanese. We inserted, in the first place, the clause which is known by the barbarous name (I do not know who invented it) of the extra-territoriality clause—that is, a clause by which the Japanese Government gives up all authority to enforce Japanese laws upon subjects of the treaty Powers, they, on their side, undertaking to enforce obedience to law and order on the part of their own subjects. There was also an important clause relating to transactions in the currency of Japan. Advantage was taken of this last-mentioned clause by some British merchants to make preposterous demands for supplies of Japanese coin; one merchant demanding at a day's notice from the Director of Customs no less than an amount equal to 250,000,000 of dollars, and another followed up that by insult as great as the injury, these demands naming an impossible sum. To make the were made under all sorts of absurd names such as "No Nose," &c., which could not but be most offensive to the Japanese authorities. That was the beginning of a course which alienated and alarmed the Japanese. Then came the difficulties arising

ing from the extra-territoriality clause, and the setting at defiance all the laws and usages of Japan. The treaty Powers had entered into a solemn obligation by that clause that they would provide ample means to preserve the peace and enforce obedience to the laws of Japan on the part of their own subjects. But of that duty Sir Rutherford Alcock has said that the exemption from Japanese laws is a reality, but the performance of the corresponding clause on our part is a fiction. He tells us that in scarcely any other country in the world, except, perhaps, in some of the gold fields, can there be found so large a number of reckless and lawless individuals; and he describes these men as claiming all the benefits of the treaty, but setting aside all regard for the law of that country, and committing every kind of outrage—even our men-of-war's men, who are apt to get drunk when let on shore without control, being, I am sorry to say, among the offenders. My noble Friend (Earl Carnarvon) has referred to one case of a gentleman who chose to indulge his taste for shooting. In spite of a prohibition against shooting within a certain distance of the residence of the Tycoon, he pursued his sport, and shot a wild goose, which gave as much offence to the feelings or prejudices of the people as if he had violated the national law. He then returned in the open day with the bird in his hand. Having shot this goose, he came back in broad day with his servant carrying the bird. A policeman endeavoured to arrest his servant, not being bold enough at first to arrest a European; but, the master interfering, he was also arrested. The master resisted, and, deliberately cocking his gun, threatened to fire, and in the scuffle his gun did actually go off, and the unhappy policeman was desperately wounded. Now, what became of the man who did this? He was proceeded against in the Consular Court, and the inadequate sentence of a fine—2,000 or 3,000 dollars—and banishment from Japan was pronounced. Sir Rutherford Alcock, by his own power, added three months' imprisonment. To show the *animus* of the British population, I may state that the English community in Japan raised among themselves a subscription to pay the fine, and Sir Rutherford Alcock was afterwards prosecuted in the court at Hong-Kong for a technical fault in the judgment, and damages were given against him, the man who had really committed the offence only suffering to the extent of 120

hours' imprisonment. Now, it is a remarkable circumstance, that although the papers on the table contain statements of every outrage on the part of the Japanese, there is no mention of these facts in those papers.

EARL RUSSELL said, that there was no objection to produce the papers relating to that case; but it was not deemed right to do so while there was an appeal pending to Hong-Kong.

EARL GREY: That appeal was over two years ago. I want to know, is it fair or just to lay upon the table all the papers that can tend to excite our feelings against the Japanese, and at the same time not to produce documents of this nature showing injuries done to the Japanese by our fellow-subjects? That is a circumstance which my noble Friend has but imperfectly dealt with. We have entered into a treaty with Japan containing stipulations most injurious to the people and Government of that country, and also containing stipulations on our side to do certain things. The stipulations on our part have not been fulfilled, but we are pressing the Japanese strongly for the fulfilment of their engagements. But we must consider what is the condition of the Japanese Government. They have, I believe, done everything in their power to carry out the treaty; and I find the American Minister, in a correspondence with the representatives of foreign Powers, after the first outbreak, expressed his strong opinion that the Japanese Government had done all in their power; but he added—and I think the remark is a sensible one—that it must be remembered Japan is not a civilized State, but hardly semi-civilized, in very much the same condition as European countries were in the middle ages; and to ask the Government of Japan to enforce its laws in the same way as we do here is to ask a simple impossibility. I find, too, that in commenting upon the statement he observes that the representatives of the different Powers doubted the efficacy of the means rather than the good faith of the Japanese Government. As my noble Friend (Lord Carnarvon) has pointed out, the Japanese Government has gone so far to meet our wishes that they have brought themselves into great difficulties with their own people. Two Tycoons and one Regent have been murdered. The Foreign Minister was set upon, and seven out of his eight attendants were killed, he himself being severely wounded. The angry feelings of the people make it difficult, if not impossible, for the Government to comply with all the



terms of the treaty, especially when we consider how much has been done by our fellow-subjects there to increase the hostile feeling against us. I must say, it appears to me a gross inconsistency and a violation of all the rules of justice to hold the Government and people of Japan responsible for not doing what the American Minister calls a simple impossibility. When popular feeling runs high, it is impossible, even in the most civilized countries, always to punish offenders. The American Minister referred to a case of a Minister of France being set upon by a mob; and I may remind your Lordships that at a time when the conduct of Austria in relation to her revolted Hungarian subjects was very unpopular in England a distinguished Austrian officer was set upon in London, and severely handled by a mob. The Austrian Government applied for redress; but my noble Friend opposite, who was then at the head of the Administration, said orders would be given to the police, and the offenders would be dealt with if they could be found. Well, the police set to work, but never found the offenders. That was exactly the case in Japan. It is impossible there, against a strong popular feeling, to obtain evidence that will convict the culprits. Having made these observations upon the speech of my noble Friend, I now come to a more serious question. What is to be our real policy in Japan? It is all very well to say we must require reparation for injuries done to our fellow-subjects, and must enforce our treaty rights. Your real object is to take such measures as may obtain security for British subjects resident in Japan, with a view to the extension of our trade. Has my noble Friend considered how far these objects are likely to be promoted by the policy which he seems to recommend? These outrages upon our subjects, like those upon the Government of Japan, are only the symptoms of a feeling of hostility which has been engendered in the minds of the Japanese, partly by old traditions, and partly by the action of this country during the last few years. While that hostility exists, you may make any stipulations you please with the Japanese Government; but, however anxious they may be to fulfil their engagements, you will not obtain security. What you really want to do is to remove this hostile feeling. Will coercive measures, at all events coercive measures unaccompanied by other influences, effect

*Earl Grey*

that? I wish you to consider how serious are the difficulties in which you may be involved by the adoption of coercive measures. The noble Earl the Secretary of State said, that my noble Friend (the Earl of Carnarvon) drew upon his imagination when he described the policy of the Government as tending to the annexation of Japan. I do not think that he at all drew upon his imagination for that description. My firm belief is that you are taking those small steps which lead you one by one to annexation as their necessary result. My noble Friend has properly said that a naval force can accomplish but little. It may burn dwellings and destroy property, but it will have no effect in bringing coercion to bear upon the Government. But, having taken the first step, you will be committed in honour to go on. We know what is the disposition of the people of this country, and how resolutely whenever they have entered upon a course they pursue it. In some of the papers it is already stated that a military force of at least 10,000 or 15,000 men from India will be required. Can we calculate what will be the cost of such an expedition as that, operating at so great a distance from our resources? We have been told by the Chancellor of the Exchequer that the last Chinese war cost us £8,000,000; but that was a contest with an Empire almost in a state of disorganization; and Sir Rutherford Alcock has in his book drawn a wide distinction between Japan and China, and shown, that when supported by the popular feeling, the Japanese Government is a very effective and energetic one. The Japanese Government have also, it is notorious, been for a long period preparing for the contest which they have foreseen to be inevitable. They have been purchasing large quantities of European arms, and removing their property from the more accessible places. Therefore, if you embark in this war, you must be prepared for no child's play. It will be a war of a most costly character—costly both in blood and in treasure; and, after all, what is it to do? Are you going to conquer Japan to hold it? If not, how is the war to be ended? Why, sooner or later by a treaty. You will get another treaty, with more stringent stipulations—that is the ordinary course of all these Oriental proceedings—and probably a money indemnity for the past. How much will you be the better? This treaty, like the last, will be fulfilled so long, and

so long only, as there is force to compel the performance of its stipulations. Even in Europe treaties extorted by force are not worth the paper upon which they are written any longer than the force by which they were dictated is maintained. How many treaties did the first Napoleon impose upon the different nations of Europe, and did not those nations continually rise and endeavour to cast off their obligations, until at last they overthrew their oppressor? A treaty will be of no use whatever. It will be simply a pause in the course upon which you are entering. It must lead to renewed war. There is another consideration which we ought not to overlook. If we embark upon this policy, it is almost certain that the defeats which the Japanese Government will experience from our superior force will have this effect:—Their finances will be thrown into disorder, the whole organization of their government will be thrown into confusion; first losing their physical resources, they will soon be deprived of their moral power, and the consequence will be that Japan, which Sir Rutherford Alcock described as presenting an extraordinary picture of prosperity and happiness, and as a country which its 30,000,000 inhabitants had by their industry made like a garden of Eden, will fall into a state of anarchy. Bloodshed and disorder will spread over those plains which have hitherto been so peaceful, and inhabited by so prosperous a population, and from one end to another of the country we shall see the most frightful misery and ruin. In all Eastern nations this is the tendency which is observed—when the arm of authority is weakened, their rises up a disposition to plunder and outrage which it is scarcely possible to repress, and therefore you must calculate upon these results attending the policy which you are now pursuing. We have an instance of this in the case of China. My noble Friend (Earl Russell) referred with a satisfaction which astonished me to the state of affairs in China. I was surprised to hear my noble Friend, who in 1857 made such eloquent speeches upon the duty of acting towards the Chinese with humanity and justice, and treating them as we should wish to be treated by them, express his satisfaction with the present state of that empire. Because, what is the state of China? You have the Chinese Government in a state of absolute and humiliating dependence upon the British Minister

—totally powerless; the Taeping rebellion in one quarter, another in the vicinity of Tien-tsin, the Canton provinces equally disordered, and the whole government falling into a state of absolute decomposition. Why, things are so bad that you are endeavouring to arrest the progress of events by having recourse to irregular means and irresponsible agents, virtually placing the empire of China under the Government of England. You have placed the customs department under an Englishman, with a great probability of coming into collision with other countries. You are now going to organize the navy, and I believe the army also, by means of Englishmen. These are well-known steps in the disorganization of a great empire. China is undergoing that process, and it is the direct result of the measures we have adopted during the last twenty-five years. It is our assaults upon the Government, by which we have weakened its authority and destroyed its power over its own subjects, which have been the real cause of the state of things which we now see. And I do wish that your Lordships would take the trouble to read the accounts which appear from time to time in the newspapers published in China. There you see accounts of cruelties committed by lawless and reckless persons, under no control whatever; you find that whole districts are depopulated; and that this state of things is gradually becoming worse and worse. How my noble Friend can find in such an aspect of affairs a subject of satisfaction I, for one, am completely at a loss to understand. But what I now contend for is that you are taking the first steps towards bringing about a similar state of things in Japan. This is no new view which I am now advancing. My noble Friend says nobody ever objected to the provisions of the treaty with that country. Now, my Lords, I have no right to complain that any observations of mine should have appeared of too little importance to my noble Friend to be remembered by him; but I must remind him that I, at least, have from the first objected to the terms of the treaty, and it is only two years since I ventured to point out to your Lordships that the course which we were then pursuing would lead to the consequences which have since taken place. The course now before us is, in my opinion, a very simple one. We have merely to act towards Japan with ordinary justice. We unfortunately do not come into court with clean hands; and

you have, I contend, no right to exact redress for the wrongs we have to complain of without, at the same time, tendering reparation for those we have done on our side. If France had a right to say that French subjects should not be punished for offences committed in England save by the French authorities, when France had no tribunal here, you would not, I maintain, preserve London from plunder for twenty-four hours; and it is, it appears to me, our plain duty, having found this provision of the treaty to be impracticable, to admit that Englishmen and Japanese should be subject to the authority of the native Government. It does not follow because you do this that you abandon your subjects and withdraw from them all security, for you might say that you expect to obtain from the Japanese Government security for the due administration of the law as regards British subjects. I see no reason why you might not stipulate, that within the limits of the principal ports there should be established a system of police deriving its authority from the Government, and charged with the duty both of protecting and controlling Europeans. You have no right to protect British subjects unless you at the same time control them. But if you took the course which I suggest, a tribunal being at the same time established by which offenders might be punished by the Japanese Government in a manner satisfactory to us, you would by these simple means get rid of the causes of mutual irritation on both sides. If you did this within the limits of the ports, you would, in my opinion, do right to leave British subjects beyond those limits to act at their own risk. You might tell them plainly, "We do not intend to govern Japan; but if for your own interest and your own purposes you think fit to go beyond those towns in which we have taken care to insure to you protection, you must do so at your own hazard, and take the consequences." By acting in this manner you would be pursuing a fair course, and would be showing respect for the feeling of the Japanese people, while, I am persuaded, you would be rendering the residence of British subjects perfectly secure in Japan. I would point out to you what kind treatment has been received from the inhabitants both of China and of Japan from those British subjects who have shown proper consideration towards them. Many of your Lordships, I have no doubt, must have read the interesting account, published

*Earl Grey*

by Mr. Fortune, of his travels in these countries; and I believe those who behave as he did to the inhabitants would be treated as he was. But, unfortunately, too many of the Europeans who go to Japan and China act very differently. Sir Rutherford Alcock tells us that they are the scum of Europe who, under the cover of this stipulation, which exempts them from the jurisdiction of the native Government while they are placed under no other effective control, commit gross wrongs against the population. These persons, when you withdraw your protection, will be promptly dealt with as they deserve by the natives, while British subjects who behave as they ought will, I have no doubt, be very kindly treated in return. If, moreover, you are content not to be in too great a hurry to get rich, and to force your trade upon a people who are not as yet fully acquainted with its advantages, I am persuaded that the Japanese on the one hand, and the English on the other, will become better friends, and that your commerce with that country will advance in a way which it can never do under the present system. It is clear from the papers before us that you have done nothing to prevent the outrages which are going on in Japan at this moment in full force, and those insults of which the people so much complain. I shall not trouble your Lordships further; but I must say, in conclusion, that I think we have a right to receive from Her Majesty's Government a somewhat clearer and fuller exposition of the policy they are pursuing towards Japan than they have as yet afforded.

THE DUKE OF SOMERSET: My Lords, the noble Earl (the Earl of Carnarvon) commenced his speech by finding fault with the treaty into which we have entered with Japan, and, according to his view, the stipulations of the treaty ought never to have been entertained by the British Government. Now, for that treaty I am no more responsible than the noble Earl—it was concluded several years ago—but I must say I never heard the conduct of Lord Elgin, by whom it was concluded, condemned. Nor can it, I think, be necessary to vindicate the expediency of the British Government entering into a treaty with Japan, when similar treaties have been obtained by all the leading commercial nations of the world. I was surprised to hear the noble Earl say that the treaty was obtained by force, and never ratified. This happened:—The Japanese Government

asked us to modify some of the terms of that treaty, and at their request some of the terms have been modified. Surely, a Government which seeks to modify the terms of a treaty must be taken to acknowledge that treaty. The noble Earl who has just spoken (Earl Grey), says that the Japanese had no wish to have any transactions or communications with Europeans. Then I want to know why they sent ambassadors to Europe. They were not constrained to send ambassadors here, however they might think that they could learn nothing from us and do little for our civilization, which I believe was the prevailing idea among the Daimios. But as they did send ambassadors, I do not think it an unfair inference that they wished to enter into friendly relations with the countries to which they were sent. The noble Earl says we ought not to have proceeded to obtain reparation for injuries to British subjects, because English subjects have done wrong to the Japanese. No doubt it is true that certain reckless and lawless Englishmen and men of other nations have committed wanton and violent acts. But the very statement of the noble Earl shows that the English Government and the representatives of the English Government did their best to set matters right, and I do not think that any blame is imputable to them. Lord Elgin stated in this place that one of the greatest difficulties with which he had to contend was the reckless conduct of British subjects. The noble Earl to-night says the Government should tell them not to try to make money too fast, but to go on moderately. Merchants do not like that. They want to get rich at once, both in China and Japan. At Shanghai the same thing is going on. A number of reckless men from all parts of Europe and America are trying all sorts of plans to take advantage of the natives and to make money. Would it be wise or would it be possible to withdraw altogether from both China and Japan, and leave the trade to other nations? I think not. The Americans obtained a treaty. Other nations then went for a treaty, and we went with them. But the noble Earl says "You should draw a boundary, and tell your subjects, that if they go beyond that boundary, they must do it at their own risk." That is exactly what we have done. We said to the Japanese, "Give us some place for health and exercise." They gave us a road, and it was on that very road that

English people were murdered. It was said, with knowledge of that fact, that we ought not to ask for reparation; but, in my opinion, the Government would have been most censurable if they had not demanded reparation. The noble Earl says that naval operations will not be sufficient, and that we cannot obtain redress without sending out an enormous force and entering upon a large war. I do not see that. We do not want to acquire an inch of territory, and we have no wish to make any aggression. The person who has committed the wrong is a well-known and rich Daimio, who lives on the seashore, and has vessels of his own, carrying on trade upon the coast. He has a harbour, which one vessel of war can blockade, and he carries on a trade which it is very easy for us to intercept. Under these circumstances, I cannot conceive any difficulty in obtaining reparation from the person who has committed the wrong. Reference has been made to our doings in China. The Chinese Government got an American to drill their land force; but they had no naval force, and to supply one they proposed to hire a set of pirates, who would have plundered on their own account. To avoid that, we offered a European force to collect their customs for them, and so far from taking any power to ourselves, we asked the Chinese Government to undertake all the arrangements. We have taken no territory, except a piece of land, about 200 acres, at Hong-Kong, for the health of the officers, and I think therefore the views of the noble Earl are not justified. With respect to Japan, I do not see that in demanding reparation we are committing an act of war, or that we have done anything beyond what we were bound to do when English subjects had been murdered on the road dedicated to their use.

LORD WODEHOUSE said, that two years ago the noble Earl (Earl Grey) delivered a speech full of the most dismal forebodings on the subject of China; but his noble Friend did not on that occasion, as he had on the present, propose a remedy. He thought it the weak point of all these attacks that nothing different was suggested—no one, either in public or in private, had suggested any other course of policy than that which Her Majesty's Government had pursued. The fact was, that here they had a weak and rich nation scattered over a large territory, with whom the European nations and America were determined to trade. We did not take measures

to send our merchants there, but our merchants went. If our merchants were not to go, some less scrupulous nations would trade with the country, and, perhaps, exclude us from the advantages of a lucrative commerce. We must follow our traders, and extend to them protection, and secure the administration of justice between the two nationalities as far as that was possible. The origin of the first American treaty with Japan he believed to be this—that certain American whalers on their way home were accustomed to put in at the ports of Japan, where they were hospitably received by the inhabitants; and it was for the purpose of obtaining shelter and provisions for those men that the first treaty was obtained. But what was the noble Earl's remedy? That we should deal justly with the Japanese, and the instance of injustice cited by the noble Earl was that clause of extra-territorial jurisdiction in the treaty which the noble Earl found to be so monstrous. But there was nothing more in this clause than was to be found in all similar treaties—in the treaties with Turkey, China, and even Borneo. If difficulties arose with that stipulation, a great many more difficulties would arise without it. For one war which would arise from such a stipulation ten would arise without it. Imagine the reckless men who were to be found in the ports of Japan left to the jurisdiction of a semi-barbarous Government! Imagine the sort of justice which they would receive, and the outcry which would be raised with respect to their treatment; and say whether that would be a state of things more likely to prevent war. There were but two alternatives to choose from. Either we must have no intercourse with these half civilized countries, or we must make such treaties as had been made, and insist upon their strict enforcement. As to Japan, Sir Rutherford Alcock had very clearly put the case before the Government of the Tycoon, when he told them that they must make up their minds either to be subverted by a more powerful nation, or to place themselves on terms of intercourse with the rest of the world; and he believed they would be acting by far the most wisely for their own interest if they honestly carried out this treaty. He (Lord Wodehouse) did not see that the demands of Her Majesty's Ministers need involve a great war, like that spoken of by the noble Earl (the Earl of Carnarvon). On the contrary, he believed that no instance had ever occurred, in dealing with an Asiatic Government, in which

*Lord Wodehouse*

a more cautious or anxious desire had been shown to avoid pushing our rights to an extremity; and he felt confident, that if war could be avoided, it would be by the very able agents whom Her Majesty possessed in Japan.

THE EARL OF CARNARVON said, that as the noble Earl objected to the production of the papers, he would not press for them; though, if they showed that the Japanese Government had been treated with such extraordinary forbearance, he could not see why they should not be produced, particularly as there were no negotiations going on at present. His object, however, had been gained by the discussion which had taken place, though he regretted that the explanations given by the noble Earl and the noble Duke had not been fuller, both as to the events which had happened since the date of the last Parliamentary papers and the real intentions of the Government. He feared it was not unlikely that Parliament would separate before it had the opportunity of seeing these documents.

Motion (by leave of the House) *withdrawn*.

#### BRITISH COLUMBIA BOUNDARIES

BILL [H.L.]—(No. 149.)

#### THIRD READING.

THE DUKE OF NEWCASTLE, in moving that the Bill be now read the third time, said, that the opinion of the Law Officers had been taken on the doubt suggested by the noble and learned Lord (Lord Chelmsford) as to the transfer of the rights of the Hudson's Bay Company to a new Company, and it was that there was not the slightest doubt as to the legality of it.

Bill read 3<sup>d</sup> and *passed*, and sent to the Commons.

#### PRIVATE BILLS—SUSPENSION OF STANDING ORDERS.

##### EARL GRANVILLE *moved*,

That so much of the Resolution of the 24th April last with respect to Private Bills as directs, "That no Bill confirming any Provisional Order of the Board of Health, or authorizing any Inclosure of Lands under Special Report of the Inclosure Commissioners for England and Wales, or for confirming any Scheme of the Charity Commissioners for England and Wales, shall be read a Second Time after Thursday the 2nd day of July next," be suspended in respect to—

The Sir Robert Hitcham's Charity Bill: And,  
The Ruthin Charities Bill.

LORD REDESDALE regretted to have once more to complain of the conduct

of the Charities Commissioners in bringing in their Bills at so late a period of the Session, and he hoped that their Lordships would insist upon having their Orders obeyed, especially as regarded the first of the Bills, for which there was less excuse than for the other two.

EARL GRANVILLE said, that by stopping the Bills their Lordships would punish not the Commissioners, but the people interested in the charities.

Motion agreed to; and the said Bills were then read 2<sup>a</sup>.

#### CLERGYMEN (COLONIES) BILL [H.L.].

A Bill to establish the Validity of Acts performed in Her Majesty's Possessions Abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen—Was presented by The Duke of Newcastle, and read 1<sup>a</sup>. (No. 205.)

House adjourned at a quarter past  
Eight o'clock, to Monday  
next, eleven o'clock.

### HOUSE OF COMMONS,

*Friday, July 10, 1863.*

MINUTES.]—SUPPLY—considered in Committee  
—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Resolution in Committee—India  
Stock [Remuneration], reported\*.

Ordered—Turnpike Trusts Arrangement\*; Turn-  
pike Roads\*.

First Reading—Church Rates Recovery [Bill  
224].

Committee—Sydney Branch Mint\* [Bill 217];  
Promissory Notes and Bills of Exchange\*  
[Bill 218]; India Stock\* [Bill 212]; Nuisances  
Removal Act (1855) Amendment\* [Bill 203],  
on re-committal.

Report—Sydney Branch Mint\*; Promissory  
Notes and Bills of Exchange\*; India Stock\*;  
Nuisances Removal Act (1855) Amendment\*.

Considered as amended—Alkali Works Regula-  
tion (Lords)\* [Bill 220]; Waywardens' Con-  
tracts (Lords)\* [Bill 205].

Third Reading—Fisheries (Ireland) [Sir Robert  
Peel]\* [Bill 214]; Greenwich Hospital (Provi-  
sion for Widows)\* [Bill 200]; Metropolitan  
Main Drainage Extension\* [Bill 215]; Grow-  
ing Crops Seizure (Ireland)\* [Bill 211]; Eng-  
lish Church Services in Wales (Lords) [Bill  
190]; Navy Prize Agents\* [Bill 219].

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed,  
"That Mr. Speaker do now leave the  
Chair."

#### BUSINESS OF THE HOUSE—NOTICES OF MOTION.—QUESTION.

MR. SEYMOUR FITZGERALD said, he had a Motion on the Paper relative to the relations between this country and Brazil. Owing to the regulations now enforced with reference to Notices on going into Committee of Supply, he had several times been on the top of the list and had gone down again to the bottom. The result of taking Supply that morning would be that the Government would get through the greater portion of Supply with the exception of the Packet Service. He wished to know from the right hon. Gentleman the Home Secretary, Whether he would take care that Supply should be fixed for an evening sitting next week, in order that he might have an opportunity of bringing on the important question of which he had given notice?

MR. BENTINCK said, he had a Notice on the Paper relative to accidents on railways. He wished to know whether, if he waived his right to bring on his Motion that morning, the right hon. Gentleman would give a pledge that the House should not be counted out at night?

MR. DODSON said, he had given Notice of his intention on going into Committee of Supply to call attention to the Petition from members of the University of Oxford for the abolition of subscription to formularies of faith as a qualification for academical degrees. His Notice had been on the Paper for a considerable time, and the question was one in which he and many others took a warm interest. Unless the right hon. Gentleman undertook on the part of the Government to say that facilities would be afforded to Members to proceed with their Notices of Motion, he should feel it his duty to oppose the Motion for going into Supply.

SIR GEORGE GREY said, it was not at all an unusual thing when the Session was approaching an end to take Supply at a morning sitting. It was generally understood, that if Members would waive their privilege of bringing on questions on going into Committee of Supply at the morning sitting, they should have an opportunity of doing so at the evening sitting, at which Supply would again be moved. He could not pledge himself that a House should be kept; but the Government would use their endeavours to prevent the House from being counted out, so as to

give every hon. Gentleman who had Notices on the Papers the same opportunity of bringing them on that he would have had if the House had not gone into Supply at a morning sitting. With respect to the question put by the hon. Member for Horsa-ham (Mr. S. FitzGerald), there must be a Supply day next week, and he believed Supply would be taken at an evening sitting. In any case his noble Friend at the head of the Government would give the hon. Gentleman every facility for bringing on, within a reasonable time, his Motion with regard to Brazil.

MR. BENTINCK thought they should have a positive pledge that the Government would keep a House; otherwise they ought not to be called upon to waive their right to proceed with their Motions on going into Supply.

SIR GEORGE GREY said, the Government had a motive for keeping a House as well as hon. Members. There were Government orders on the paper which they would wish to proceed with after the Motions on going into Supply were disposed of.

SIR HENRY WILLOUGHBY admitted that there were precedents for taking Supply at morning sittings, but considered that on this occasion the day was badly chosen.

#### BURNING OF QUEEN'S COLLEGE, CORK.

##### OBSERVATIONS.

MR. HENNESSY said, he rose to call attention once more to the burning of Queen's College, Cork, and to complain of the conduct of the Government in calling on the citizens of Cork to pay £7,000, when there was every reason to believe that the fire was the malicious act of an official within the College. He asked for the production of certain papers in the hands of the Government calculated to throw light on the subject.

SIR ROBERT PEEL said, that this was not the first time that the hon. and learned Gentleman had brought this matter forward. When he did so on a previous occasion, the House, on a division, decided that the papers, being in the nature of depositions relative to a criminal charge, ought not to be laid on the table. The city of Cork had no reason to complain, because the demand for the £7,000 had not been persisted in, and the Government had proposed a Vote of £4,500 for repairing the college. The Town Council of

Cork had therefore reason to congratulate itself on the generosity of the Government and the House. There was no advantage to be gained by re-opening the question already decided by the House.

COLONEL FRENCH said, the city of Cork, at any rate, had nothing to complain of. It was clear that the Government did not consider this burning as a malicious injury, inasmuch as they had obtained a Vote from Parliament for the repairs of the building.

LORD FERMOY said, he did not think that the question had been satisfactorily arranged. The Government had certainly, in the first instance, given credence to the notion that the fire was occasioned by some of the Ultramontane party, with which he had nothing in common, at a time when they had in their possession letters from a Professor of the college and other parties, clearly proving that the fire was purely accidental. He thought that the citizens of Cork, having gone to considerable expense to relieve themselves from the odium of such a charge, had good grounds for feeling dissatisfied with the Government in this matter. He was of opinion that the question should be thoroughly investigated.

##### CHURCH RATES RECOVERY BILL.

Bill to amend the Law relating to the Recovery of Church Rates, *presented*, and read 1<sup>o</sup>. [Bill 224.]

#### SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY *considered* in Committee.

(In the Committee).

(1.) £3,750, Ecclesiastical Commission.

MR. W. WILLIAMS having stated objections to the Vote,

MR. PEEL said, the arrangement respecting the Vote had already been sanctioned by Act of Parliament.

Vote *agreed to*; as were also the following—

(2.) £10,917, to complete the sum for Temporary Commissions.

(3.) £17,015, to complete the sum for Patent Law Amendment Act.

(4.) £9,744, to complete the sum for Board of Fisheries (Scotland).

(5.) £2,000, Board of Manufactures (Scotland).

(6.) £23,928, to complete the sum for Treaties of Reciprocity.

MR. ALDERMAN SALOMONS asked whether this was a temporary Vote.

*Sir George Grey*

**MR. PEEL :** Yes, it will continue for ten years, and then cease, under an Act of Parliament.

Vote *agreed to* ; as were also the following :—

(7.) £1,220, to complete the sum for Inspectors of Corn Returns.

(8.) £800, Boundary Survey (Ireland).

(9.) £1,000, Publication of Ancient Laws and Institutes of Ireland.

**MR. PEEL** stated that the cost of editing and publishing these laws had been £1,500 short of the original Estimate. The translations had been made, and it was now only a question of publication.

Vote *agreed to* ; as were also—

(10.) £3,961, to complete the sum for Census of the Population.

(11.) £680, Malta and Alexandria Telegraph.

(12.) £23,455, Preparations for the Marriage of the Prince of Wales.

**MR. AUGUSTUS SMITH** called attention to the item of £10,300 for extraordinary charges devolving on the departments of Her Majesty's Household and travelling expenses. He believed that the Civil List granted to Her Majesty had, in respect of certain departments, been found to be more than was required, and he desired to know whether on the two heads of "Household and Retiring Allowances" and "Her Majesty's Household" there was any surplus for the current year. If there was a sufficient surplus on those two heads, he thought the sum for extraordinary charges to which he had referred should be defrayed out of it, and it was not fair to charge the country with these expenses.

**MR. PEEL** said, he did not think that it was ever contemplated that the Civil List granted to Her Majesty should defray extraordinary charges of this description.

**MR. AUGUSTUS SMITH :** Is there any surplus on the two heads I have mentioned ?

**THE CHANCELLOR OF THE EXCHEQUER** said, that it was quite practicable for the Government upon inquiry to state to the House the exact position of the different departments of the Civil List ; but he must confess that he did not carry those figures in his head, and he was not in the least prepared to have a question

put to him upon the subject of a Vote which appeared to him so entirely irrelevant to it. This expenditure had no relation to the Civil List. The Civil List was for the support of Her Majesty's person and dignity. It was always understood, that as the members of the Royal Family became of a certain age, they became detached from the Civil List, and came under a different head of expenditure. He might state that the burden on Her Majesty's Civil List on account of superannuations was not only great, but unexampled. The death of the Queen Dowager, and the deaths of the Duchess of Kent and the Prince Consort, occurring within about twelve months of each other, raised at once a very large number of claims which were not positive in their character, and which, if Her Majesty had been disposed to proceed on the principles most convenient for her own interests, might, perhaps, have been very summarily disposed of. But those claims addressing themselves to Her Majesty's generosity and affections, were met by Her Majesty with unexampled liberality ; and under circumstances which he was not then quite prepared to say might not have justified a special application to that House. Her Majesty had, however, assumed the very heavy charges connected with those claims without calling upon the public in the slightest degree to share them.

**MR. W. WILLIAMS** said, that he agreed that this sum of £10,000 ought not to be charged on Her Majesty's Civil List, but he did not see the justice of charging it on the country. The sum should be defrayed out of the revenues of the Prince of Wales.

**SIR GEORGE GREY** observed, that if these expenses were defrayed from the revenues of the Duchy, the House would then be called upon to make up the income of the Prince to the amount which it had been agreed he ought to have, which was considered by everybody to be a moderate one. It would therefore have come to the same thing in the end. He was sure that the hon. Gentleman would not object to this charge upon the occasion of an event such as that of the marriage of the Prince of Wales.

**SIR HENRY WILLOUGHBY** called attention to the item charged in the Vote—£2,955—for the opening of the theatres free to the public on the occasion of the Prince of Wales' marriage. He doubted



whether such a plan was calculated to give satisfaction.

SIR GEORGE GREY said, he had not much to say in favour of the custom; but the rule adopted was, to do exactly the same in regard to the marriage of the Prince of Wales as was done in regard to the marriage of Her Majesty.

MR. WALPOLE remarked, that a certain sum was allowed to Her Majesty for her Civil List, and to demand in what manner it was expended would, he thought, be a most unreasonable request. It was likewise most unreasonable to expect that any portion of the Civil List assigned to Her Majesty should go to defray extraordinary expenses such as those under discussion.

MR. LOCKE said, that upon former similar occasions the theatres of London had been opened free to the public, and he saw no reason why the practice should have been deviated from in this instance.

*Vote agreed to.*

(13.) £4,000, Ship for Storing Merchants' Gunpowder at Dublin.

MR. HENLEY inquired whether this was a special Vote for Dublin, or whether similar expenses were incurred in other parts of the kingdom. He thought they might be establishing an expensive precedent by this Vote.

MR. CARDWELL said, that the gunpowder for merchants' vessels used to be stored up in Phoenix Park. The site, however, was wanted for military purposes, and he applied to the Treasury to procure an Admiralty ship. He presumed that the merchants were prepared to pay rent for the accommodation required.

MR. BENTINCK said, there was an item of £642 for fitting up the ship, and £600 for removing her from Purfleet to Pigeon House Fort. Then there was an item of £2,100 for "dredging a channel to the head of the boat camber." The situation selected for the vessel was extremely ill-chosen.

*Vote agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £3,781, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1864, for certain Expenses formerly charged upon the Vote for Civil Contingencies."

SIR JERVOISE JERVOISE asked for some information respecting vaccination of sheep, and the result of this practice. It was a question of considerable interest, and

*Sir Henry Willoughby*

it was most important that the results of those experiments upon sheep should be fully made known. The hon. Baronet was understood to doubt the existing state of knowledge as to the diseases of cattle and their remedies. He thought it was the duty of the Government to allay any panic regarding those diseases, rather than encourage them by promoting such practices as the vaccination of sheep. He concluded by moving that the sum of £434 10s., being the item set down for the vaccination of sheep, be postponed for further consideration.

SIR ROBERT PEEL said, that a virulent disease having broken out in sheep in this country, in order to prevent its introduction into Ireland the Irish Government stationed one Inspector at Dublin, another at Dundalk, and a third in another town to examine sheep arriving in Ireland from this country. They were paid so much a day, amounting altogether to about £200. They rendered a great public service. It was probable that it was owing to their care that the introduction of the disease at Ballinasloe, where more than 100,000 sheep were collected, was prevented. The vaccination of sheep was not tried in Ireland, and was confined to this country.

MR. BENTINCK asked for an explanation of the item of £6,000 for expenses connected with the Thames Embankment Bill of 1862.

MR. PEEL said, he should not object to the omission of this item. The expenses in question would be repaid as a special charge out of the fund provided by the Thames Embankment Bill.

MR. LOCKE remarked, that the answer of the hon. Gentleman might be extremely satisfactory to the hon. Member for West Norfolk, but it could not be satisfactory to those who might afterwards have to pay. The Government having chosen to interfere in metropolitan affairs, the charge should be borne by the country.

THE CHANCELLOR OF THE EXCHEQUER said, that the House of Commons had determined that this charge should be borne by the metropolis, and the Treasury had no choice in the matter.

COLONEL FRENCH submitted that it would be a somewhat difficult matter to deduct £6,000 from the Vote of £3,781.

THE CHAIRMAN said, that the Vote was for £3,781, to complete the original Vote for a much larger sum. The hon. Gentleman now proposed to reduce the sum of £3,781 by £6,000, but that was

impossible. The only way in which the item could be withdrawn would be by withdrawing the Vote altogether.

Motion, by leave, *withdrawn*.

(14.) £65,541, to complete the sum for the British Museum.

MR. WALPOLE, on rising to move the British Museum Estimate, said, that the estimate for the year was £90,541, of which £25,000 had been voted on account, leaving the sum of £65,541, which he now asked the Committee to vote. He was happy to say that there was a considerable diminution of expenditure on the Museum Estimate. In 1862-3 the expenditure on account of the British Museum was £99,012, being a diminution in the Vote for the present year of £8,471. He could not, however, represent this as a permanent diminution. As to part of it, it was temporary only. The temporary diminution arose from the fact, that there was a want of accommodation in some departments, by which they were prevented from providing for the extension of certain portions of the collections. The trustees had therefore agreed not to ask for the Vote for Antiquities, Manuscripts, Minerals, and Zoology. The amounts thus omitted, and which he considered a temporary diminution, were divided among the following departments:—Manuscripts, £1,000; Minerals, £200; Zoology, £500; Oriental, British, and Mediæval Antiquities, £500; Greek and Roman Antiquities, £500; Prints and Drawings, £500; making a total of temporary diminution of £3,200. Last year, owing to the International Exhibition and the great influx of visitors, some temporary expenses were incurred for accommodating the public. That expenditure might be put down at £1,200. So that he estimated the temporary diminution at £4,400; and deducting that sum from the total diminution of £8,741, the permanent diminution amounted in round numbers to £4,000. He thought it due to the Trustees to mention how this reduction was occasioned. The Committee might remember that the repairs and maintenance of the Museum buildings were not formerly under the direction of the Trustees. Since the change, however, by which the officer charged with this duty acted under the authority of the Trustees, a considerable diminution had taken place in the building grant. In 1860 the charge for building and repairs was £22,000; in 1861, £19,000; in 1862, £17,600; in

1863, £17,435; and for the coming year, £14,184. That diminution had gone on concurrently with the improvement of the ventilation and the provision for warming the buildings. He trusted that these figures would satisfy the Committee that the Trustees had kept up the institution intrusted to their control efficiently and economically. A great number of valuable acquisitions had been made during the year in the several departments—among which might be specially named the collection of Solenhofen fossils, purchased of Dr. Häberlein, of Pappenheim. Several valuable manuscripts had also been purchased. This department was improving, and would, he trusted, shortly contain the finest collection of manuscripts to be found in any country. The number of admissions last year was 895,000, against 641,000 visitors in 1861. It had been represented to the Trustees that the reading-room was inconveniently crowded by students under the age of twenty-one, who came to peruse light literature. They therefore issued a regulation limiting the admission, except under special circumstances, to persons who had attained the age of twenty-one. That regulation diminished the number of readers, while the accommodation of those ladies and gentlemen who really visited the reading-room for the purposes of study was much improved. The only other circumstance he had to mention was the loss of one of the elective Trustees by death. The Trustees did not elect each other, but the place of an elective Trustee was always filled up by official and family Trustees. It would be a satisfaction to the House to know that a proposal was made by the official Trustees, and unanimously agreed to, by which the right hon. Gentleman the Member for Bucks (Mr. Disraeli) became an elective Trustee of the British Museum. The right hon. Gentleman concluded by moving the Vote of £65,541, being the balance of the Vote for the British Museum.

MR. AYRTON rose, according to notice, to call attention to what he regarded as the remissness of the Trustees in not providing adequate opportunities to the people of the metropolis and those who visited it of seeing the splendid collections at the Museum. At South Kensington it had been found necessary to open the Museum there in the evening, and a Commission of Inquiry had found that picture galleries and museums could be easily and safely lighted by gas. A Committee of the House of Commons had also reported

that the British Museum could be safely opened at night provided proper precautions were taken against fire. They also expressed an opinion that the Museum should be opened. Instead of adopting this recommendation the Trustees had taken the course which was most likely to lead them to the conclusion that they ought not to open the Museum in the evening. They sent for Mr. Braidwood, the then superintendent of the Fire Brigade. Naturally enough he saw danger of fire in everything. He reported, that if the Museum was lighted by gas in a particular way, there would be danger of fire. Other opinions were asked, but no plan for a safe mode of lighting the place was suggested. Upon the reports made to them the Trustees passed a resolution against opening the Museum in the evening. All the time, however, the South Kensington Museum was flourishing, and, being lighted with gas, was open in the evenings to the public, who thronged to it in large numbers. All this showed that the managers of the South Kensington Museum had marched with the times, and he thought it proved that the Trustees of the British Museum should be stirred up to renewed efforts. If the gas were allowed to blaze up in the British Museum, it would probably attract some of those who now were drawn to other places where gas flared brilliantly and dissipation ruled. It was surely of the greatest importance that the working men should have an opportunity of seeing the admirable collections in the Museum. If facilities were afforded for that purpose, it could hardly fail to attract them from places where now they were injured both morally and physically. But there were other charges which he had to bring against the Trustees. He did not think that they did their best to make those who were able to visit the Museum comfortable. It was disgraceful to the Trustees that they had neglected to provide accommodation for the crowds of male visitors who were now seen wandering up and down the neighbouring streets in search of the requisite conveniences. Some little consideration had been shown for the female visitors, but he was informed that their retiring room was wholly insufficient. It was monstrous that the Trustees had so long neglected a matter for which such excellent provision was made at South Kensington, and the neglect of which had so long and so seriously interfered with the comfort of the thousands who visited the

*Mr. Ayrton*

British Museum. Perhaps the Trustees might not think these things within their duties, and therefore he would not press the subject. But he would say, that if the Trustees had taken proper steps, they might have amply provided for the necessary enlargements of the British Museum. If they had gone to the Duke of Bedford, they might have purchased his right in the land in the neighbourhood, and then, as the leases fell in, there would have been plenty of room for extension purchased, not as had been said at £50,000 an acre, but at less than half the sum. He could not that day submit a Resolution to the House, but he hoped the Trustees would take his remarks into consideration, and do something to give the people more opportunities of seeing the collections under their control. What was wanted was to open it from seven to ten, say on Monday evenings, when so many of the working classes visited South Kensington. The hon. Gentleman concluded by moving his Amendment.

MR. LOCKE said, he did not think there could be any valid objection to admitting the working classes into the Museum on the Sunday during the hours that the public-houses were open. He would ask his hon. Friend the Member for the Tower Hamlets whether he had consulted the working classes upon this subject. It was quite evident that he had not, or he would not have proposed that the Museum should be kept open during hours when the working classes could not visit it. What the working classes wanted was that the British Museum, the National Gallery, and other national collections, should be open after the hours of Divine Service on Sunday. What right had the hon. Member for Perth (Mr. Kinnaird), or any other persons, to demand restrictions upon the freedom and convenience of the industrious people on the Sunday merely because they might entertain some peculiar notions how that day ought to be observed? The Sabbath was made for the people, not the people for the Sabbath. What injury could happen to the morals of the working classes if they were to visit the collections in the British Museum on the Sunday rather than the tap room or the gin palace? He regretted his hon. Friend had not come forward in a bolder and a purer spirit than he had done, and that he did not advocate the opening of the Museum on Sunday.

MR. MITFORD said, he desired to draw the attention of the Trustees to the in-

convenient method of showing their coins and medals. A sum of £1,500 was asked this year for coins and medals, while only 1,544 visits were last year paid to that department. The visitor had first to obtain an order. He then went to the room and asked to see, for instance, a certain series of coins. An attendant was somewhat unwillingly taken from his work to open the drawers, and he stood by the visitor until he had inspected the coin or medal, when it was returned to its place. A visitor could not help feeling that he was giving a great deal of trouble, and the tendency of this mode of examination was to make people wish to get out of the building as soon as they could. None of the coins were labelled except underneath. The best thing would be to have a certain number of cases, and in one of them to exhibit a series of English, Roman, and Oriental coins; in another, the effigies of distinguished persons; and, in a third, the coins remarkable for their extrinsic beauty. In this manner the collection might be made much more interesting and useful to the public. If it were said that the coins would not be safe under such an arrangement, he would remind the Committee that at the South Kensington Museum last year treasures of great value had been exhibited on loan, and that none had been stolen.

MR. CONINGHAM must assert, in opposition to his hon. Friend (Mr. Ayrton), that the British Museum was essentially a scientific institution for the use of students and men of science, and that it might be diverted from this character by throwing it open at night and lighting it up for the public. It was very doubtful whether the pictures at South Kensington had not been injured by the gas. An improvement of much greater scientific value would be effected if a suggestion of Professor Owen's were adopted, and if the professor and his assistants were allowed by the Trustees to deliver lectures to the public on the objects in their department.

MR. KINNAIRD regretted that his hon. Friend (Mr. Locke) had imported into the debate the subject of opening the Museum on Sundays. When that question was formerly discussed in connection with the opening of the British Museum, it was decided by an overwhelming majority that that institution should not be opened to the public on Sunday. At the same time, he agreed with the hon. Member for the Tower Hamlets that it would be a great boon to the working classes to open the building on

Monday and two or three other evenings in the week.

MR. WALPOLE said, he was as anxious as the hon. Members for the Tower Hamlets and Perth to open the British Museum in the evening, if it could be done with safety. Those hon. Members represented two classes of the people whose opinions were deserving of the utmost consideration. Considering, however, the immense value of the collections, that step ought not to be taken unless perfect and complete security could be taken against fire. The Trustees consulted the late Mr. Braidwood on this subject, and his report placed the matter in the clearest light. He said that the use of gas desiccated everything in the ceilings and roofs above the lights, thereby rendering the woodwork more inflammable, and the extinction of fire more difficult. He also stated that the heat and products of combustion given out by gas were unfavourable to the preservation of vegetable and animal substances, and that the gas would discolour objects in marble and stone. The Museum must be lit up by oil, by candles, or by gas. The first two were objectionable on the ground of expense, and gas was objectionable on the score of danger from fire, and of injury to books and other objects. [MR. E. P. BOUVERIE: The books at the Athenæum were destroyed by the effects of gas.] Then had the hon. Member considered the expense of the alteration necessary in lighting up the building, and of the additional attendance it would entail; and would he say that the measure he advocated would be of such advantage as to justify the expense and the risk? The Trustees opened the building last year during the summer months in the evening, and what was the result? From ten o'clock till six the average number in attendance was 5,200, being 600 per hour, while from six o'clock to eight there were only 27 per hour, at a cost of £8 10s. per night. He admitted that the expense was, after all, but a secondary consideration, if they could accommodate the working classes without danger to the building or its contents; but it must be remembered that no money would ever replace the present collection if it were destroyed by fire, and he, for one, was unwilling to incur such an expense without a corresponding result. The hon. Member for Southwark (Mr. Locke) advocated the opening of the Museum on Sundays. As long, however, as the House, by overwhelming majorities, de-

terminated that the Government institutions should be closed on Sundays, it would ill become any body of Trustees to act in contravention of that decision. The exhibition of coins adverted to by his hon. Friend the Member for Midhurst (Mr. Mitford) was a very delicate subject. Some of the coins were of immense value, and it would not be safe to allow them to be handled except under supervision. They were now kept in a miserable room; but as soon as the House gave more accommodation, the Trustees would be glad to exhibit specimens of coins and medals. The House ought to look at the British Museum as a great scientific and literary institution, and ought not to spare the sums necessary to make each department complete and accessible to the public.

COLONEL SYKES desired to remind the right hon. Gentleman that the House of Commons was lit by gas, and that all depended upon where the gas was placed.

MR. AYRTON agreed with the hon. and gallant Member who had just spoken, and believed that the British Museum afforded singular facilities for being lighted at night without injury to the collections. He believed that his proposal would be a great advantage to the working classes. He could not concur in the impracticable follies of the hon. Member for Southwark.

SIR JOHN TRELAWNY said, that although the House had by large majorities decided against opening the National Gallery, &c., on Sundays, the numbers would, he believed, be very different if the votes were taken by ballot. It would be much better the working classes should visit the British Museum than be invited to attend rat hunts and dog fights in the neighbourhood of London.

*Vote agreed to.*

*House resumed.*

Resolutions to be reported on *Monday* next; Committee to sit again *To-morrow*, before the other Orders of the Day.

#### MR. BELSHAM AND THE CONFEDERATE AUTHORITIES.—QUESTION.

MR. BLAKE said, that according to the information which had been furnished to him, a Mr. Belsham, a British subject, went some time since to reside in Alabama, and in consequence of his refusal to serve in the Confederate Army he was in the month of April last three times dipped in a tank of water, with a view to compel him to serve; and that on being

asked each time whether he would serve or not, he repeated his refusal; but, that on being dipped a fourth time, he, in order to save his life, consented to serve under protest. The case had been stated to Her Majesty's Representative at Washington, who directed Her Majesty's Consul at Richmond to inquire into the circumstances. He had further been informed that, in consequence, Mr. Belsham had been sent to Montgomery in order to have his case investigated. Since that time, however, Mr. Belsham's friends had heard nothing of him, and the object which he (Mr. Blake) had in view was to find out what had become of him. He would therefore beg to ask the Under Secretary of State for Foreign Affairs, Whether the remonstrance addressed by the British Consul at Richmond by direction of Her Majesty's Minister at Washington, to the Confederate Authorities, against the compulsion exercised upon Mr. Robert Redmond Belsham, a British subject, at Montgomery, State of Alabama, to force him to serve in the Confederate Army, has been attended with effect; and whether there is any objection to state the substance of whatever communications have been received from Lord Lyons on the subject?

MR. LAYARD: In reply, Sir, to the Question of the hon. Member, I beg to state that the case of Mr. Belsham has been brought to the notice of Her Majesty's Government; but the hon. Gentleman is under a misapprehension when he says that the case was brought before the Confederate authorities under the direction of Lord Lyons. Lord Lyons has no official communication whatever with the authorities of the Confederate States, and nothing therefore was done under his direction. But Mr. Moore, the British Consul at Richmond, did make a representation to the Confederate Government with regard to the case. Mr. Belsham was, as he states, cruelly treated—indeed, he was exposed to torture to compel him to take service in the Confederate army. Unfortunately, Mr. Belsham's case is not the only one, but numerous similar cases have been brought to our notice; but these cases have generally occurred at a distance from Richmond. The Confederate authorities have expressed regret that they should have taken place. A Bill was brought before the Session of the Confederate Assembly to empower the State to enlist foreigners in the Confederate army; but that Bill was rejected, and a Committee

*Mr. Walpole.*

was appointed to inquire into the treatment of British subjects, who were imprisoned mostly for refusing to serve in the Confederate army. Mr. Moore made numerous representations to the Confederate Government with respect to these acts of cruelty and illegality; and it was well known that in consequence of those representations the Confederate Government suspended Mr. Moore's exequatur, and he was obliged to leave the Confederate States. Her Majesty's Minister instantly sent instructions to Mr. Moore to make strong representations to the Confederate Government, but they did not reach Mr. Moore until he had left. I trust, however, that taking into account the action of the Confederate Government in this matter, such cases will not happen again to British subjects. With regard to Mr. Belsham, I cannot tell where he is. We have heard no more of him since the statement of Mr. Moore was received.

MR. GREGORY: I wish, Sir, to ask the hon. Gentleman the Under Secretary for Foreign Affairs two questions, which I think he can answer at once. The first is, when he spoke of torture being applied to a British subject, did he mean that the torture was applied on the part of the authorities of the Confederate Government? The second question is, whether, inasmuch as this is a very grave affair, he will lay all the papers connected with it upon the table of the House?

MR. LAYARD: Sir, I am afraid that torture in the strict sense of the word has been inflicted; but I am bound to say that these acts were committed by persons apparently acting under the general instruction of the Confederate authorities, but at a distance from the seat of the Government. On Monday next, I will state whether the papers can be produced.

#### THE PATRIOTIC FUND.—QUESTION.

COLONEL NORTH said, he would beg to ask the hon. Member for Chichester, Whether he intends to name a day to move for a Select Committee to inquire into the management and present condition of the Patriotic Fund?

MR. J. A. SMITH said, in reply, that he had resolved to change the terms of his Motion and to move an Address to the Queen for a Commission of Inquiry, instead of moving for a Select Committee. He understood there was to be a meeting of the Royal Commissioners on Tuesday next,

and he should, in some degree, be guided in the course he should pursue by the steps which might be taken by the Commissioners on that occasion.

#### THE DOVER AND CALAIS AND DOVER AND OSTEND MAIL CONTRACTS.

##### QUESTION.

MR. HEYGATE, said, he wished to ask the Secretary to the Treasury, Under what contract or engagement Her Majesty's Mails are now carried between Dover and Calais and Dover and Ostend respectively; and when any contract which may have been entered into by Her Majesty's Government will be laid upon the table of the House?

MR. PEEL, in reply, said, these services were at present being carried on under conditions which had been agreed upon between the Post Office, the Railway Companies, and the Belgian Government, respectively, and the contract for the Dover service embodying those conditions had been prepared and sent to the Railway Companies for their approval. It was proposed to have a Convention with the Belgian Government in addition to the contract with the Companies.

#### UNITED STATES — RECOGNITION OF THE SOUTHERN CONFEDERACY.

##### THE ADJOURNED DEBATE. QUESTION.

SIR JAMES FERGUSSON said, he wished to put a Question to the hon. and learned Member for Sheffield (Mr. Roebuck) with respect to the resumption of the debate on America on Monday next; and considering the importance of the subject, he should move the adjournment of the House for the purpose of having an opportunity of making a few remarks. He would, however, abstain from saying one word on the merits of the question proposed by the hon. and learned Member. All he wished to express was his feeling—shared in, he believed, by many Members on both sides of the House who concurred in the object which the hon. and learned Gentleman had in view—that the present moment was one when the question could not be discussed and decided on by Parliament with advantage to Great Britain, or to the Southern States or Northern States of America. Since the hon. and learned Member brought his Resolution before the House, a great change had taken place in the position of the contest between the two republics in North America. The war, which up to the present time had been a defensive one

on the part of the Southern States, now appeared to have received the character of an expedition of the South against the North ; and it must be evident to every one who had perused the intelligence which had reached us from America within the last few days that events of great importance were preparing, and it was not impossible that the solution of the whole question at issue was at hand. Under these circumstances, he ventured to submit that a vote now come to by the House could not express the real feeling of the House, and could exert no real beneficial influence on the operations in America. At any rate, several Members of the House, who agreed in principle with the hon. and learned Member for Sheffield, and concurred in his object, would yet not support him, on account of the inexpediency of bringing the question forward and deciding on it at the present moment. If the question came on upon Monday, it would either be negatived unanimously by the House, or defeated by a large majority. Thus a false impression would be produced generally with regard to the feeling of the House, the action of the Government might be hindered should they feel at an early period that the time had arrived for the purpose of recognising the Southern States, and a feeling of disappointment would be created in the minds of the population of those States. A month ago the recognition of the Southern States, if it had then been generously proposed by Parliament, and carried into effect by the Government, might have been attended with beneficial results. It might have stayed the effusion of blood, and excited a feeling of gratitude on the part of the Southern States. But what would now be the consequence, supposing the Motion of the hon. and learned Member should be successful ? If the events now taking place, and the result of which could not be distant, should have the effect of enabling the Southern States to force peace on the Northern, the former would not then thank the House for the decision come to on this Motion. If, on the other hand, the expedition of the Southern army into the North should prove a failure, in what a position would that House then stand, after acceding to the Motion of the hon. and learned Member ? The Motion, whether successful or unsuccessful, he submitted to the hon. and learned Member, could produce no beneficial effect, and it had much better be withdrawn. He therefore submitted for consideration whether it would not be better

for the cause, for which, he frankly avowed, he felt great sympathy, if the hon. and learned Member relieved the Government from the pledge they had given to postpone the Orders of the Day on Monday next until after the resumption of the adjourned debate on America, and selected a more convenient opportunity for the discussion. The present was the time, not for action on the part of the House, but rather for silent contemplation. As personal matters had been imported into the debate, and discrepancies between the statement of the hon. and learned Member and the statement made on the part of the Government had to be explained, he was sure that the House would readily hear whatever the hon. and learned Member might wish to state on that point ; for in all matters personally affecting hon. Members, and especially their veracity, the House never refused them the opportunity of making an explanation.

Motion made, and Question proposed,  
“ That this House do now adjourn.”

VISCOUNT PALMERSTON : Perhaps my hon. and learned Friend will allow me to second the request just made by the hon. and gallant Officer, to consent to drop the continuance of the debate which stands for Monday. I think that the circumstances adverted to by the hon. and gallant Officer are of themselves sufficient to show that the present is not a moment when it is desirable to continue the discussion referred to. Events of the utmost importance are about to take place in America, and we may hear in the course of a few hours of results commensurate with the importance of those events—evidently, then, the present is not a proper moment to ask the Government to prejudice itself with respect to its free action. It is not likely, I think, that the House would agree either to the Motion of the hon. and learned Member for Sheffield, or to the Amendment which has been moved to it ; and, indeed, I think it very disadvantageous to the public service that any such Resolution should be adopted. Therefore, the discussion, as far as any practical results may have been expected by those who are in favour of the Motion, would have no important effect. I can assure the House, that whereas now it is plainly acknowledged by everybody that the wishes of the Emperor of the French to find a fitting opportunity for advising the re-establishment of peace in America are not changed, on the other hand

Her Majesty's Government do not see that that opportunity has arisen, though they would at all times be willing to exchange opinions with the Emperor of the French not only on that subject, but on any other relating to the interests of nations. On public and general grounds I would urge the hon. and learned Member to comply with the request made to him. But there is another and peculiar circumstance which makes the hon. and learned Member's compliance still more desirable. It is hardly possible that the debate could be resumed without the resumption of the discussion as to what passed in the interview between the hon. and learned Member (Mr. Roebuck) and the hon. Member for Sunderland (Mr. Lindsay) on the one side, and the Emperor of the French on the other. It was quite natural that they should seek that interview, for the hon. Member for Sunderland had previously had frequent interviews with the Emperor of the French on those questions relating to navigation in respect to which he takes an active part in this House. Therefore, it was perfectly natural that the hon. Member should see the Emperor of the French, and equally natural, that seeing the Emperor, the hon. Member, together with the hon. and learned Member for Sheffield, should express opinions on the American question. I, however, venture to submit that the question as to what passed between two private Members of Parliament and a foreign Sovereign is not a question to be discussed in this House. Not to say that such a discussion, is sure to lead to explanations on both sides—which, like all public explanations of private transactions, leave an unpleasant feeling generally on both sides, it must tend to deter the Emperor of the French from continuing that courteous and useful reception which he is so graciously pleased to give to all Englishmen of note who may be furnished with information advantageous to the friendly relations of both countries. It is obvious, however, that this reception now accorded by the Emperor of the French must be checked, if the Emperor should feel that what passes in the *abandon* of private intercourse is to be made the subject of public discussion in the British House of Commons. As it is impossible that the debate on America can be resumed without leading in some way or other to a revival of that personal discussion, I trust that my hon. and learned Friend the Member for Sheffield will allow the debate to drop, and that the hon. Member for Sunderland,

who has as yet taken no part in the debate, will continue that discreet abstinence which he has hitherto manifested, and will be content with allowing the matter to rest. Nobody has a right to blame the hon. Member for the part he took in communicating with the Emperor of the French; but the House will feel, not only with a view to the relations of the Government, but to the continuance of that access to the Emperor of the French on the part of British subjects which it is most desirable to maintain, that it is advisable that nothing should be said in this House which might have an unfavourable effect.

Mr. LINDSAY: I have hitherto borne in silence a large amount of obloquy from the present organs of the Government, but as yet I have not spoken one syllable. I have been condemned without being heard; and though there is often greater wisdom in silence than in speech, I trust I may now be allowed to state one or two circumstances which must have escaped the memory of those who considered it their duty to criticise my conduct. Some four years ago I brought under the notice of this House a Motion for an Address praying Her Majesty to enter into negotiations with the Emperor of the French, for the abolition of various duties which materially affected the free intercourse between France and this country and our possessions. A long discussion ensued, and my Motion was unanimously adopted by this House. Some eight or nine months elapsed, and as no action appeared to have been taken by the Government to carry into effect that Motion, I saw Lord Russell, then a Member of this House, on the subject. At his request, or at least on his introduction, I had a meeting with Lord Cowley, and afterward, on the introduction of, and accompanied by Lord Cowley, I had an interview with the Emperor of the French on this important subject. Various long interviews followed, at all of which, with the knowledge and with the consent and approval of Lord Cowley, I was alone with the Emperor. I have reason to believe that the Emperor was pleased with the views I placed before him at these various interviews, and that he saw the changes I ventured to recommend would be quite as beneficial to the people of France as they would be to the people of this country. Much of my time, for several years, has been devoted to this great question. After two years of negotiation, His Majesty was pleased to appoint a council



to inquire into the subject, which has just concluded its inquiry ; and I have every reason to hope that the result will be the abolition of these duties, and material changes, if not the entire abrogation, of the navigation laws of France. All these questions were of a practical and an intricate nature, which neither Lord Cowley nor the Foreign Office pretended to understand, and it was therefore necessary for me to see the Emperor and his ministers very often concerning them. All, however, that took place was invariably made known by me at the time to Lord Cowley. During some of these interviews it was His Majesty's pleasure, knowing that I had been to America, to speak to me regarding the lamentable war then, and I regret to say still raging in that country. I ventured to offer my opinions respecting it, but never has one word, except to Lord Cowley, crossed my lips of anything His Majesty was pleased to say to me on this or on any other question, till on the 23rd of last month I had permission to make known his views in regard to certain matters bearing upon the American war. But even with that permission I might not have stated all my hon. and learned Friend did, and perhaps I might not have made some portions of his statement in the same tone. I am prepared, however, to say now, that all my hon. and learned Friend said was true. I regret to say too true; and as my veracity has been called in question, I desired to have the opportunity of proving to the House, but not by producing "a note-book," which has been kept sealed for years, that the assertions of my hon. and learned Friend were too true. I do not, however, desire now to go into this question, which is of a very delicate nature, and, after what the noble Viscount has said, it may not be necessary for me to go into this question at any time. But the truth of the statement made by my hon. and learned Friend has, to a great extent, been proved by the remarks made a few evenings ago by my hon. Friend the Under Secretary of State for Foreign Affairs. In referring to a despatch received from the Government of France in November last, he said, that the French Government in sending that despatch had adopted a very "unusual course." My hon. Friend the Under Secretary further said, that it was very strange the French Government should have published that despatch in the *Moniteur* before sending it to this country, and that when sent they did not order

their Minister here to leave as usual a copy of it at the Foreign Office. Now, all this tends to show that the French Government must have had reasons for adopting this unusual course in November ; and as the despatch to which my hon. and learned Friend referred was not the November despatch, but a despatch or despatches, or communications, regarding the war in America, sent to this country in February or March 1862, the House may see that the statements made by my hon. and learned Friend were not without foundation, and that, in fact, as I have already said, they were too true, though I regret that he considered it desirable to make them. I do not, however, intend to enter more fully into this very delicate question, unless necessity should arise for it. It is far better to avoid all such questions in this House, and I would rather endure the reproach to which I have been subjected than enter upon them. The question now before the House is one of far greater importance : it affects the peace and happiness of ten millions of people ; and as I hold the opinion, that if the word "recognition" was pronounced by England in concert with the Emperor of the French and other European Powers, that word would go forth as a harbinger of peace, and would restore peace with all the blessings which attend it, I say the consideration of that question is of a thousandfold greater moment than any reproach which may be cast on so humble an individual as myself. I therefore wish the House to forget the personal question, and to consider the statement which the noble Lord has just made in regard to the course he will pursue on American affairs. I do feel for the Southern people. I feel that they are a nation, a brave and down-trodden nation, and therefore I ask my hon. and learned Friend not at once to give an answer to the question put to him by my hon. and gallant Friend, and repeated by the noble Lord, unless he can ascertain the course which Her Majesty's Government may be prepared to take towards concurring in the well-known view of the Emperor of the French on this subject. It will be time enough on Monday for my hon. and learned Friend to say whether he will go on with the debate. The *Scotia* is now due, and we may receive by it important intelligence which may induce Her Majesty's Government to say the time has arrived when we ought to acknowledge the South, and put an end to this lamentable, and, as I believe,

useless war. Therefore, I beg my hon. and learned Friend to exercise caution and prudence, and not to give a hasty answer to the question, but take time to consider it.

MR. CONINGHAM: Sir, no middle course can be taken on this question. The people of Lancashire, who are more than any others deeply interested in the question of cotton, have throughout the whole course of the war given their support to the Federal cause. ["No!"] Nearly 150 meetings have been held in the manufacturing districts, which, with the exception of some ten or twelve, have passed resolutions, by overwhelming majorities, in favour of the North. I am confident, that if the hon. and learned Gentleman had proceeded to a division, he would have found himself in a disastrous minority. I can assure the Southern States that they need not look for sympathy to the working classes of this country; for although a large portion of them are actually depending for their livelihood on cotton, they have, with the greatest magnanimity, sided with the North.

VISCOUNT PALMERSTON: The hon. Member for Sunderland (Mr. Lindsay) seems to be under the impression that I gave some pledge that on Monday I should be prepared to state the course which Her Majesty's Government intend to pursue. I think it right to explain that I meant to say no such thing.

MR. LINDSAY: All I meant was that the *Scotia* is now due, and that perhaps the news she might bring would lead the Government to change the views they now hold.

MR. KINGLAKE: I rise to express an earnest hope that the House will not too readily express the principle which has been submitted by the noble Lord at the head of the Government. The noble Lord, in his cheerful way, has suggested, that unless the *abandon* of the French Emperor in conversation with hon. Members is to be checked, we must abstain from all these discussions in this House. When we remember that what is called "conversation" is stated officially to have been an endeavour made by two Members of the House to engage the French Government in an important diplomatic agreement, we must see that that is a matter extremely novel, as far as my knowledge of the British Constitution extends, and well deserving of our attention. The argument of the noble Lord, that discussions of this

kind are not convenient or politic, should have been raised before the speech of the hon. and learned Member for Sheffield (Mr. Roebuck); but now, after we have heard what has been stated, and have been told on official grounds what was the proposal of the French Emperor, then the matter becomes one which deserves the attention of the House.

MR. BERNAL OSBORNE: I never for an instant doubted the veracity of the hon. and learned Member for Sheffield. I have known him too long not to be aware that he is incapable of stating what he does not believe to be a fact; but, at the same time, I must be allowed to say I have not the same confidence in his discretion. I do not think he is acting quite fairly towards the House in keeping this question hanging over us without our knowing whether it is to come on or not on Monday. As far as I am concerned, I repose full confidence in Her Majesty's Government in regard to the American question. I think they have conducted this American business all through with singular ability. It is, however, only fair to the House that the hon. and learned Gentleman should announce at once whether he intends to proceed with the debate on Monday. Surely he is in as good a position now as he will be then for coming to a decision.

MR. GREGORY: Sir, there are two questions to be considered by the House. There is, first, that touching the truth of the statements made by the hon. and learned Member for Sheffield and the hon. Member for Sunderland—the second question relates to the political bearing of the matter. The main point is whether the hon. and learned Gentleman is satisfied with what has taken place this evening. In my opinion, it is absolutely necessary that the doubts which have been cast on the accuracy of the hon. and learned Gentleman should be cleared up. Statements have been made by my hon. Friend the Under Secretary for Foreign Affairs, no doubt with the greatest truthfulness as far as his belief was concerned at the moment, but which will be proved not to be in accordance with the real facts of this most important case. I hold it to be of the utmost importance that the country should know what is the truth of the matter. So much has already come out with regard to this personal affair that the whole ought to be disclosed. I am bound to say, from what has fallen casually from the hon. Member for Sunderland in reference to the

statement made the other night by the Under Secretary, that a very grave circumstance has occurred, and that it is evident this House and the country do not know the real state of the case. Something, I think, has occurred which the French Government, or rather the Emperor of the French, considers to be a serious affront put upon him by our Foreign Office. The Under Secretary told us, that when Baron Gros read the despatch of November, he refused to leave a copy. It is absolutely necessary we should know why he refused to leave a copy. Was it because a previous despatch of February had been treated in a manner of which the Emperor disapproved? That is a point which the hon. and learned Member for Sheffield and the hon. Member for Sunderland have a right to insist should be cleared up in this House, because almost the whole of their tale rests upon it. The course I would recommend may be shortly stated. If the hon. and learned Member for Sheffield is not satisfied—and I think he probably is not—with the explanations which have been given to-night—if he considers that what has just taken place does not set him right with the public—then I say that this part of the question ought to be thoroughly sifted; but, as regards the great political aspect of the question, I agree with the hon. and gallant Member for Ayrshire (Sir James Fergusson), that it is most important for the interests of the South, for the interests of peace, and for the interests of humanity, that the debate should not be proceeded with at this moment. There would, no doubt, be a large majority against the Motion of the hon. and learned Member for Sheffield; but that would not be owing to any sympathy in this House in favour of the North, because I believe that the hon. Member for Brighton (Mr. Coningham) and those who agree with him could be carried off in one omnibus. Nevertheless, it would go forth to the world at large that the opinion of the House of Commons was against the independence of the Southern Confederacy, which I believe not to be the case. That mistaken impression would arise simply because those of us who are Southern, heart and soul, do not wish, while great events are pending in America, to bring the House or Her Majesty's Government to any premature decision upon this subject. What would be the effect in other countries? The Northerners would be impressed with the idea, either that England

was entirely in their power, or that her perfidy and well-known cowardice prevented her from acknowledging the South. We might expect, moreover, that there would arise in the minds of the Southerners, who will soon achieve their own independence, a feeling of resentment which it would take years to obliterate. An adverse decision would have the further effect of making it appear as if the last act Parliament had done was to pronounce an opinion against the independence of the South, which would no doubt have a powerful influence upon the movements of Her Majesty's Government during the recess. For these reasons, I hope the hon. and learned Member for Sheffield, while establishing the truth of his assertions, which I implicitly believed the moment I heard them, will take care to dissociate the personal from what I may call the great political question.

MR. W. E. FORSTER: The argument used by the hon. and gallant Member for Ayr (Sir J. Fergusson) and also by the noble Lord at the head of the Government, would have been an effective argument against the Motion of the hon. and learned Member for Sheffield being brought forward at all; but I hardly think it should prevent this House, now that the question has been debated one evening, from coming to a conclusion and pronouncing its opinion upon it. It is desirable that the hon. and learned Member for Sheffield should have an opportunity of making any explanation he thinks fit on the personal question; but the question is not one merely personal to the hon. and learned Member—it is not even a question of sympathy with the North or the South—what we have to consider is the question whether this House is inclined to agree with the hon. and learned Member for Sheffield that our Government should recognize a seceding or rebelling State before the result of the secession or rebellion is ascertained. It is a great principle of international law which is now before us; and it having been once brought before us, I think we ought to be allowed to come to a conclusion upon it. The question, moreover, is one in which the feelings of a great many Englishmen, the relations of peace between this country and America, and the interests of that trade which has been most injured by the war, are concerned. It is important that the minds of our people in the manufacturing districts should at once be set at rest as to whether it is probable that Her Majesty's Government, acting on the in-

stigation of this House, intend to establish a new precedent in international law by recognising a State under circumstances in which England never recognised a country before. At any rate let us not be kept in the dark beyond this evening as to whether we are to come to a decision on Monday or not.

MR. NEWDEGATE said, that the great question which had presented itself to the House seemed to him to be in some danger of being overlooked. They had the representatives of Her Majesty's Government on the Treasury bench, and it seemed they had the representatives of another Government in the House. This was a very grave question. It was the first time, he believed, in the records of Parliament, that the House of Commons had received a message directly from a foreign Power not through Her Majesty's servants. Now, let the House consider, without touching the constitutional view of the question, in a plain, common-sense manner, what this would lead to. Was that House, and was every section of that House, to have its Foreign Office, and to conduct its own separate diplomacy? He could conceive no confusion more complete than that would produce. If the House of Commons represented anything, it represented the people of England, and by the constitution of England there was delegated to the Crown all negotiations between this country and any foreign Power. It had delegated to the Crown all questions of peace and war. The question that was raised by the hon. and learned Member for Sheffield involved the relations of this country with a foreign Power, and it involved the question of peace or war with this country; and he (Mr. Newdegate) thought that House ought to mark its sense of that departure from constitutional principle, which would import a foreign element into the discussions and decisions of that House. He was not at that moment prepared to say in what manner the House should express its opinion on such conduct; but he was confident, that unless the House determined to limit it to the authorized exponents of the will of Her Majesty in the communications with foreign Powers, our relations with those Powers would very soon lapse into a state of confusion.

LORD ROBERT CECIL: I think the debate which has just taken place, and the speakers who have joined in it, ought to satisfy the hon. and learned Member for Sheffield that he has only one course to

pursue. Those who have urged him not to press his Motion to a division are the well-known friends of the South—men like the hon. and gallant Member for Ayr and our Confederate Premier. On the other hand, those who have urged him to go on are equally well-known Federals—men like the hon. Member for Brighton and the hon. Member for Bradford. [MR. CONINGHAM said he did quite the reverse.] I allow that I did not understand what the hon. Member for Brighton said; but, at all events, the hon. Member for Bradford, whose devotion to the North is only equalled by his fanatic hatred of the South, pressed my hon. and learned Friend to go on. His motive is clear. He wishes to steal from this House a decision which will not express its real opinion. But I am sure my hon. and learned Friend is too wise to take the advice of the Federal Simon. It is from no desire to bring the matter to a conclusion, or to establish a position in international law, but in this hour of its supreme agony to give some slight countenance to the cause to which he is devoted that the hon. Member for Bradford tries to lead my hon. and learned Friend into a snare. At the same time, I would advise the hon. and learned Gentleman to reserve his decision till Monday, considering the importance of the intelligence which is at this moment, I believe, travelling over the telegraph wires—considering that the most important military operations, as I understand, have already been reported in the City and in this House, and considering also the effect which that news must have on the minds of hon. Members.

MR. ROEBUCK: They say that amid a multitude of counsellors there is safety. I will accept the advice of the noble Lord who has just sat down, and reserve my answer till Monday. I think that a very much better answer will be given before that day. As the hon. Member for Galway (Mr. Gregory) has drawn a distinction between the personal and the political question, I am bound to say for myself that I will give my answer on Monday.

MR. LAYARD: After what has fallen from the hon. Members for Galway and Sunderland, I cannot, Sir, remain quite silent; but, before answering the hon. Member for Sunderland, I beg to put my hon. Friend the Member for Galway right on one point. He said I had stated to the House that Baron Gros refused to leave a copy of a despatch. I stated nothing of

the kind. What I said was, that a copy of the despatch was not left with Her Majesty's Government, because, as I showed, it was not a confidential despatch, but a public one, having been published in the *Moniteur*, and that therefore it was not necessary to leave a copy of it. I come now to the statement of the hon. Member for Sunderland. It will be recollected that two allegations were made by the hon. and learned Member for Sheffield. The first was that a communication had been made recently by the Emperor's Government to his Ambassador in this country, requesting him to ascertain whether the British Government were prepared to join with the French Government in the recognition of the Confederate States. The second was that a despatch had been communicated to the Government of Washington by Her Majesty's Government, which despatch had been sent confidentially by the Emperor of the French to Her Majesty's Government, and that, on that account, the Emperor declined to make another proposal to Her Majesty's Government. As regards the first statement, I can only refer to the answer given in the *Moniteur*. That answer appears to me complete and conclusive. It shows that the Emperor had not said what the hon. Member stated. What His Majesty said was, that he should request Baron Gros to sound Her Majesty's Government on the subject. With respect to the second statement, the hon. Member for Sunderland has to-night put it entirely on a different issue. The statement made the other night was, that in consequence of this alleged breach of confidence, the Emperor would make no fresh proposal to Her Majesty's Government. Well, if the despatch which we were accused of communicating to the American Government was sent to this country in February or April of last year, as stated by my hon. Friend, then the whole of the accusation falls to the ground, because the proposal was made several months afterwards. The proposal of the French Government with regard to the recognition of the Confederate States, was made in November to Her Majesty's Government. The statement of to-night is, that owing to a despatch of February or April, or at all events of the spring of last year, having been communicated to the American Government, therefore the Emperor would make no fresh proposal to the British Government for the recognition of the Confederate States. Well, if that des-

Mr. Layard

patch was thus communicated in the month of February or April, how came it that the proposal should have been made to Her Majesty's Government in the month of November of that year? I leave it for my hon. Friend to explain that discrepancy. But I have the *Moniteur* in my hand, and there the despatch is distinctly alluded to as the despatch of October. The *Moniteur* clearly points to the despatch of October as the despatch which was communicated. [Mr. ROEBUCK: "No, no!"] I state most distinctly and unreservedly, that no despatch sent to Her Majesty's Government by the French Government was ever communicated to the American Government, whether that despatch was sent at a late or an early part of the year. I myself have gone through all the papers, despatch by despatch, so that there can be no mistake whatever on the point. The chief clerk of the Department has done the same, and only this day I requested another clerk to make a still further search; so that we have had three careful searches made, beginning with the commencement of 1862 downwards; and I assert in the most distinct manner, on my honour, that there is no trace of such a despatch. To the best of my belief and knowledge, nothing of that kind has occurred; and I must say, that on the part of the hon. and learned Gentleman there must have been some great misapprehension. [Mr. ROEBUCK: There has been no misapprehension.] A similar thing happened to the hon. Member for Sunderland on a previous occasion, and I am surprised that he did not take warning from what then occurred through his amateur diplomacy. Last year, the hon. Member came over to this country with what were called confidential communications from the Emperor. He had, however, scarcely returned home, when we received a telegram saying that the hon. Member had not been authorized to make any such communication. That is precisely what we see now. The hon. Gentleman had, I suppose, asked His Majesty whether he might be allowed to mention what had passed at the interview; and the Emperor, in his usual kind and cordial manner, would reply that it need be made no secret, that all the world might know of it. But presuming from these words that the Emperor had made him his special envoy, the hon. Member came over in the belief that he bore that character, and all the mistake has arisen in that way. I am convinced that in this case there has been great mis-

apprehension as to all that took place, and I trust the two hon. Members will not fall into the same trap again.

MR. AYRTON : I wish to ask what is to be the course of business on Monday ? It cannot surely be contemplated that we should have this adjourned debate placed first on the Orders of the Day, and that when we are all assembled the hon. and learned Member for Sheffield is then to announce to us whether he intends the debate to go on or not. That would be placing the House in a very droll and very unusual position. I apprehend, that unless we receive from the hon. and learned Member distinct information to-night that he desires the debate to go on upon Monday, the only course must be that the adjourned debate shall stand last on the Orders for Monday. I hope we shall have an intimation to that effect from Her Majesty's Government.

VISCOUNT PALMERSTON : In answer to my hon. Friend, I may be allowed to say that what we proposed to do was in fulfilment of my pledge to my hon. and learned Friend—namely, to fix the adjourned debate as the first Order for Monday. Therefore, if my hon. and learned Friend proceeds with the debate, it will be the first business ; and if he does not, we will then take the Fortifications Bill, and after that the Relief Bill.

MR. P. A. TAYLOR observed, that he must enter his individual protest against waiting till Monday to determine whether the debate should be continued or not. It was most inconvenient, and he might say disrespectful, to the House. But there was another and far more important ground of objection, and that was that the reason avowed by hon. Gentlemen opposite for the delayed decision rendered such delay an indecent and insulting act towards our ally, the United States. It had been openly stated that it was hoped that the next mail, now due within a few hours, might bring intelligence of so crushing a defeat of the Federal army by the Southern rebels, that the Government might be disposed to alter their present determination, and to think that the time for recognition had arrived. Now, he repeated, that was a most indecent procedure. The British House of Commons was waiting to decide upon an important question of international law, in the avowed hope that news might hourly arrive of a successful issue to the rebellion against our old ally. He thought the House had not had its attention sufficiently called to one view of the present debate, which had

become prominent during that evening's conversation—and it was this :—A Motion had been introduced by the hon. and learned Gentleman the Member for Sheffield, for the recognition by this country of the Southern Confederacy ; and, as had been that evening confessed, not in the interests of England—not for the honour and security of England, but avowedly in the interests of the Confederates, and by their friends in that House. Yes, in the interests of the Southern Slave Power, the House had been called upon to violate by a premature recognition one of the best understood principles of international law—namely, that one State had no right to recognise a rebellion, a secession, as a *fait accompli*, while the contest was still going on. To recognise the South now would be to give the Government of the United States a just *casus belli* against England. This was the position in which, by their own avowals that night, the friends of the South in that House were trying to place the Government and the country by forcing a premature recognition. But another admission that was important had been made that night, and that was the reason why at this moment this pressure was to be put upon the House, upon Her Majesty's Government, to sanction this premature recognition. It was not—as had been let slip out—that these friends of the South were confident of Confederate success—it was not that their cause was triumphing, and that it was therefore hoped to save needless bloodshed by a little antedating of an inevitable result. On the contrary, this haste had been manifested for precisely the opposite reason—because it was known that the South was greatly exhausted—that the rebellion was really playing its last cards—that it was well understood that any mail might now bring intelligence of the fall of Vicksburg, and the opening to the Federal arms of the whole course of the mighty Mississippi. It was not concealed that this Motion had been introduced with the hope to commit the House to recognition before probable reverses should make such a suggestion still more outrageous. And now, when hon. Gentlemen fancied that a change had taken place in the prospects of the war, and that it was by some imagined that much was to result from this raid of Lee's army into the North—now it was proposed to delay the discussion, as he had said, in the hope that they might receive news of Southern victories. He would repeat, that this was an indecent and un-English procedure—an

insult to America, and a discredit to the House of Commons. For his part, he did not believe that the result of this invasion of the North—be that result, temporarily, what it might—would at all affect the issue of the great struggle. He believed that even should this raid be, in the first instance, successful, such success would tend only to weld together all parties in the North, and give a stronger resolution to maintain the war to a successful issue. He did not for a moment believe that the House of Commons would sanction the proposed gross violation of international law, creating, as it would do, a precedent of the most dangerous character. Still less did he believe that the people out of doors would quietly endure such violation of law, made as it would be in favour of a State which avowed that its aim was to build up a Power based upon human slavery as its head corner-stone.

Motion, by leave, *withdrawn*.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### AFFAIRS OF POLAND.—QUESTION.

MR. BEAUMONT asked the hon. Member for the King's County, Whether he intends to fix an early day for proceeding with his Motion on the affairs of Poland?

MR. HENNESSY said, the delay had now been so protracted that he thought it highly desirable that a discussion on this subject should take place speedily. He must therefore appeal to the noble Lord at the head of the Government, whether, if his Notice were placed on the paper for Thursday next, the Government would be prepared to do that which they had promised—namely, to give him the first Government night.

VISCOUNT PALMERSON: I am afraid I cannot agree to that. We are anxious to get on with Supply. But on Monday week there will be an opportunity for the hon. Member to bring on his Motion.

MR. HENNESSY: I beg to say that I shall put my Notice on the paper for Thursday.

MR. HORSMAN hoped, that as they were getting so near to the end of the Session, and as the subject of Poland had been so frequently put off before, the noble Lord would not object to the hon. and

learned Member for the King's County's Motion being taken on Thursday. The hon. Member for the King's County would, no doubt, bring on his Motion on the Question of Supply; and if he did not, some one else certainly would. He hoped the noble Lord would therefore adhere to the original understanding.

SIR GEORGE GREY begged to state that at the morning sitting, after a good deal of conversation, a strong wish had been expressed that another evening sitting should be given to Supply, in order to enable hon. Members who had Motions on going into Committee to bring them forward. In accordance with what appeared to be the general feeling, he then undertook that Supply should be taken on Thursday next.

MR. COLLINS ventured to suggest that a series of morning sittings might be given to the discussion of Polish affairs.

MR. HENNESSY said, he must call the attention of the House to the conduct of the Government. Four weeks ago he had a Motion on the paper on the subject of Poland. His Notice stood first on a Supply night. The noble Lord appealed to him to put it off, telling him he would give a Government night for the discussion. The following Monday was fixed; but the supporters of the noble Lord appealed to him not to go on. The noble Lord said he was prepared to assist him in obtaining a night for the discussion—he would give him a Government night. The leader of the House having given such a pledge, it was surely but fair that it should be fulfilled. He had heard with extreme surprise from the noble Lord that he was not prepared to give Thursday. He would, however, place his Motion for that day, and bring it on upon Supply. There were now two Notices with reference to Poland, one in his own name, and the other in the name of the right hon. Gentleman the Member for Stroud (Mr. Horsman). He told the noble Lord, if he gave him a Government night for the discussion of this question, his intention was to ask the right hon. Member for Stroud to inaugurate the debate; and he wished now to ask him to bring forward the Motion that stood in his name. If he would put it off till Thursday, he should give way to him, because he could give that Motion his hearty support; and he need not say how willingly he deferred to the great Parliamentary experience of his right hon. Friend. He hoped, therefore, the right hon. Gentleman

would proceed with his Notice upon Supply on Thursday next.

MR. WHALLEY did not think the House wished to have any debate on the subject of Poland. They had already given sufficient attention to the Pope's subjects, and Poland was the same question in another aspect. The hon. and learned Member for the King's County had been good enough to intimate his intention to oppose a Motion which stood on the Paper this evening, and which the Government had agreed to, for a return of the number of Jesuits in this country. ["Order, order!"]

MR. SPEAKER informed the hon. Member that he could not discuss a Motion which stood on the Paper before it came on in its regular course.

MR. HORSMAN wished, after the appeal which had been made to him, to state that he did not put his Notice on the paper with the slightest intention to interfere with that of his hon. Friend the Member for the King's County. Attempts had been made to evade or put off the discussion on Poland, although he felt assured that the Government did not countenance it; he therefore put a Notice on the Paper to insure a discussion if his hon. Friend were defeated. He was very sorry for the position in which they now stood. He gave the Government credit for all sincerity in this matter; but when a breach of faith had occurred on the part of the House, the noble Lord's supporters not allowing him to redeem the pledge he had given to his hon. Friend, he felt that the question of Poland ought not to be delayed or evaded; that it was a growing question; that if the House were not disposed to facilitate discussion, those who now took their stand upon it would next year have the opinion very much in their favour; and he had therefore resolved, very heartily approving the policy of the Government on this subject, if facilities were not given to the hon. Member for the King's County, to raise the question on Supply on Thursday next, and to do so again and again on every question of Supply, for he was determined, even bit by bit, that there should be a full discussion of the correspondence which had been laid on the table. The House had incurred grave responsibilities by the postponement of this question, and he would be no party to any further postponement.

VISCOUNT PALMERSTON would say only one word in reply to what had been

urged by the hon. Member for the King's County. The hon. Gentleman reproached him with a breach of good faith in not having kept the promise he had made. Now, that he entirely denied. He had promised to give the hon. Gentleman a Government night, and he was prepared to do so. He did not say he would give him Thursday next. He offered him Monday week, which was a Government night. Seekers, it was said, should not be choosers. He had offered that Government night which could be spared with the least inconvenience. But if the hon. Gentleman would bring the question on upon Supply next Thursday—[MR. HORSMAN: We certainly will]—the Government were no parties to the arrangement.

#### VANCOUVER'S ISLAND.

##### PAPERS MOVED FOR.

MR. FITZWILLIAM said, he rose to move an Address for Copies of any Correspondence between Mr. Langford and the Colonial Department relative to the alleged abuses in the Government of Vancouver's Island; of any Correspondence between the Colonial Department and Governor Douglas, relating to Mr. Langford's charges; of any Correspondence with the Government of Vancouver's Island relative to the appointment of Chief Justice Cameron, and the remonstrances against such appointment; and of any Petition recently received from Vancouver's Island praying for the redress of grievances. He must express an opinion that the papers for which he moved went far to prove that the charge of mis-management against the government of Vancouver's Island was not entirely without foundation.

MR. WYLD seconded the Motion.

##### Amendment proposed,

To leave out the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Correspondence between Mr. Langford and the Colonial Department, relative to alleged abuses in the Government of Vancouver's Island:

Of any Correspondence between the Colonial Department and Governor Douglas, referring to Mr. Langford's Charges:

Of any Correspondence with the Government of Vancouver's Island relative to the appointment of Chief Justice Cameron, and the remonstrances against such appointment:

And, of any Petition recently received from Vancouver's Island praying for the redress of grievances,"—(Mr. Fitzwilliam,)

—instead thereof.



Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CHICHESTER FORTESCUE said, he would not detain the House for more than a few moments while giving an explanation with respect to this matter. It would be quite impossible to raise a discussion upon the papers—even if there were room for the charges which Mr. Langford brought, which there was not—until those papers were in the hands of hon. Members. The facts connected with the papers were simply these. The hon. Gentleman came to him and said he wished to move for certain papers containing charges brought by Mr. Langford against the principal officials of the Colony, including Governor Douglas, Chief Justice Cameron, Mr. Attorney General Carey, and others. He told the hon. Gentleman that he had no objection whatever to produce the papers; but that if he were a friend of Mr. Langford, he would advise him not to press for them. He asked the hon. Gentleman, if he was resolved to persevere, to add after the word "Copies," "or Extracts"—that being the usual course in moving for papers of that kind. The hon. Gentleman, however, had not sufficient confidence in him or the Colonial Office to adopt that suggestion, for he thought they might omit something of importance. Nothing would have been omitted which the House had a right to see; and therefore he told the hon. Gentleman that he could not consent to give the Returns unless the words "or Extracts" were inserted in the Motion. He trusted the House would support him in requiring the insertion of those words. He would merely add the expression of his conviction that the charges were groundless and unworthy of the attention of the House. He should be inclined, on that account, to advise the House to refuse their assent to the Motion, were it not that it was better to have no concealment of any charges brought against public men. He should make an exception, however, with regard to the production of what was called "the Petition," which they did not consider an official document. It did not come through the Governor, but was put into the hands of his noble Friend the Secretary of State (the Duke of Newcastle) a short time ago by Mr. Maclure, who represented himself as charged by the inhabitants of Vancouver's Island to lay their grievances before the Colonial Office; a

character in which his noble Friend was not prepared to accept him. The Petition was divided into a number of heads, under which charges were brought against the Governor, the Chief Justice, the Colonial Secretary, the Attorney General, the Surveyor General, the Legislative Assembly, and against the officials generally. He must take that opportunity of saying that Mr. Maclure made a most unwarrantable use of his interview with the noble Duke, for he wrote out to say that the noble Duke was about to dismiss Governor Douglas—implying that the dismissal was in consequence of representations that had been made to the Colonial Office; and Governor Douglas had the mortification of reading in a colonial newspaper what appeared to infer that the Home Government had a bad opinion of him. It was true the Governor was about to leave his office, having filled it for a period much beyond the usual term; but he would retire not in the way Mr. Maclure said, but with the utmost credit to himself, and with a feeling of particular respect on the part of the noble Duke. He should move that the words "or Extracts" be inserted after "Copies."

MR. AYTOUN wanted to know why the Colonial Office would not agree to present the whole of the Correspondence.

MR. CHICHESTER FORTESCUE said, that substantially the entire Correspondence would be produced; but he insisted on the insertion of the words he had proposed as a matter of principle, and because the hon. Gentleman who made the Motion would not agree to propose it in the terms which every hon. Member moving for papers generally adopted.

MR. MALINS said, it seemed that Mr. Langford was dissatisfied with everything and everybody in the Colony, and he was sure the House would receive with caution charges made under such circumstances against his relative, the Attorney General, who was a young man distinguished for his ability and integrity, or against the Chief Justice of British Columbia. The only thing to be regretted was, that in a Colony of such rising importance as Vancouver's Island the Chief Justice should be wholly unconnected with the law. Chief Justice Cameron, however honourable he might be as a commercial man, did not possess the legal qualifications for the office.

MR. WYLD remarked that the appointment of Chief Justice Cameron went to some extent to support the complaint of

Mr. Langford. He, however, deprecated a discussion pending the production of the papers.

VISCOUNT PALMERSTON hoped the hon. Member would agree to the insertion of the words "or Extracts." That was the invariable form in which documents were moved for, and it stood upon the best possible grounds. In all Correspondence there were personal allusions and matters of detail that had no bearing upon the matter before the House. If the hon. Member did not agree to the Amendment, the Government must object altogether to produce the papers.

MR. FITZWILLIAM said, he would adopt the Amendment.

MR. SPEAKER said, the best course to adopt would be to withdraw the Motion, and to take it as an unopposed return.

Motion, by leave, *withdrawn*.

#### PUBLIC WORKS.—OBSERVATIONS.

SIR MORTON PETO said, he wished to call the attention of the House to the want of efficient control of the Public Works of the Country, and to the necessity of the re-organization of the Board of Works, with a view to remedy the evil. In doing so it was not his object to make any charge against the persons connected with the office of Public Works. The First Commissioner was respected by all who knew him; and with regard to the staff, he might say that it was impossible for the country to be served by more faithful and able servants. What he maintained was, that the First Commissioner of Works was no Commissioner of Works at all, and that his office was not practically an office connected with the public works of the country. Under that office 120 buildings in England were kept in repair, and twenty-four in Scotland. As many as seventeen parks and garden grounds, eighty post office buildings, and forty-one probate registries were under its administration, and £28,000 a year were expended for the rent of certain offices. The First Commissioner of Works might, therefore, be termed the First Commissioner of Parks, Palaces, and Public Offices. The public works of the country were really conducted by all the Departments of the Government, each Department conducting those with which it was connected. Thus it was considered that the Admiralty must have the charge of the works for the dockyards, harbours, and works connected with

them. In a neighbouring country the administration of the public works was conducted in a different way, and he wished something like the plan there adopted to be followed in this country. In France, if the state of the dockyards or harbours required attention, the matter was submitted to the Minister of Public Works, who was aided by a permanent Council, and after full consideration the wishes of the Admiralty were carried out by the Department of Public Works, which dealt with the matter in an able, practical, and business-like manner. Let the House consider whether the Admiralty in this country conducted the works under its care in a way to deserve the confidence of the country. With regard to Keyham, the estimates presented to that House had been exceeded by four times the original amount. The first estimate for Alderney harbour was £665,000, and the House was assured that it would not be exceeded; but £1,500,000 was now required to finish only one moiety of the harbour, which in its incomplete state would be perfectly useless as a protection against the greater number of storms occurring in that quarter. Having been acquainted with Mr. Walker, the engineer of Alderney harbour, and having always found his estimates accurately prepared and his plans carefully considered, he was anxious to discover how it was that the estimate had been so far exceeded. The fact was that scarcely were the works commenced when an official visit was made to the harbour by the Lords of the Admiralty, who took the clerk of the works into their confidence, and altogether changed the plan of the harbour. Scarcely anything of the original design was left—amongst other alterations they directed the piers to be carried out where the water was 125 to 128 feet deep instead of 60 feet. Of what use was it their voting sums of money if estimates were to be exceeded and plans abandoned without their sanction? Such a thing could not have happened in France, for there all the plans were in the first place fully considered by the proper authorities, and no contractor ever hesitated to accept the official estimate; and in the works carried out by his firm in that country, involving the expenditure of millions, he had never known the estimate to be fallacious. He wished to know why such a mode of proceeding could not be adopted in England. It might be said that the system of centralization which prevailed in France was a system which the people of this country would not allow to

be established here ; but, still, without entirely approving that system, they might learn from it how to correct some of the errors existing in their own system. Holyhead harbour had been four times changed in its plan—so that it was evident that in the first instance no well-considered plan had been adopted. At Jersey, a large amount of money, £500,000 or £600,000, had been expended on the harbour, but the works had since been abandoned. The Board of Admiralty did not do their work efficiently. Neither did the Board of Trade with regard to the harbours remitted to its superintendence. Why, the other night Portpatrick was spoken of, and positively his right hon. Friend had never seen the harbour, and no one was responsible for the expenditure to which the House stood pledged. Therefore, it was well worth the consideration of the House whether some alteration should not be made in the present mode of conducting these matters. He thought that with regard to the Board of Trade some change should be effected. He did not object to the Board of Trade having the charge of the ordinary commercial business of the harbour, but the public works connected with harbours, as well as all the public works in the country, he would transfer to the Board of Public Works, and give to the Minister of Public Works enlarged and increased responsibility. A great many public works were carried out under the administration of the Horse Guards, and other Departments. He would remodel the Office of Works altogether, and place at the head of it a responsible Minister, under whose control all the public works of the country, for which Votes were passed in that House, should be placed. That Minister should be responsible to the House for the preparation of careful estimates, and the engineers and architects should also be made responsible to the Minister. The excesses which marked the estimates for public works in this country were unknown on the Continent. In France, in Prussia, in Austria, and in Italy, the contrast to England in the matter of public works was most disgraceful to us. His right hon. Friend the First Commissioner of Works might fancy that he would be subject to very great responsibility under such a plan; but the fact was, that in accordance with the suggested change he would be assisted by three or four practical men, who would act as a council to him, and who, not being changed with each successive Ministry,

*Sir Morton Peto*

would keep up a continuous control—while the Minister of Public Works, with a seat in the House, would always be amenable to Parliament.

Mr. BAILLIE COCHRANE said, he did not know how far his hon. Friend might be sanguine in effecting a change in the Board of Works ; but for himself he was in perfect despair at the manner in which our public works were carried on. Night after night hon. Members came down to the House and said nothing could be more ridiculous and wasteful than the mode in which money was voted ; yet whenever a Motion on the subject was brought forward, one had no more support from one's friends than from the Government—they literally seemed to be playing into each other's hands, and he supposed they would go on squandering money year after year. They were perpetually voting money for the purchase of houses in the vicinity of that building at five times their value, because the Government had not foresight to buy them up at the proper time. The "abomination of desolation" must go on ; and if it got much worse, then there would be some hope that Parliament would interfere. He wished, however, to ask a question of his right hon. Friend opposite (Mr. Cowper) with regard to the public statues in this metropolis. He desired to know who had the control of the public monuments. He saw from a Return made to Parliament that a certain number of our monuments were under the kind protection of the right hon. Gentleman ; but with regard to the rest there seemed to be no control whatever to prevent absurdities or monstrosities being put up. In passing through Leicester Square that day he saw a statue of, he believed, one of the Jameses or Georges, on horseback ; but the statue was actually without legs. The figure, which was represented to be in armour, had, moreover, only one arm, and by what ingenuity it managed to sit on the horse he could not comprehend. Yet this statue had been put up in the classical land of foreigners, who looked upon Leicester Square as the metropolis of London. He should like to know who was responsible for this absurdity, and whether, at any rate, there was no possibility of the right hon. Gentleman having a greater control over the public monuments than he seemed to possess. Again, he went recently to see the public monuments in St. Paul's Cathedral, and found them in a state disgraceful to the country. He believed those monu-

ments were not in the right hon. Gentleman's Department, but he should be glad to learn who had any control over them. But all this proved what the hon. Baronet (Sir Morton Peto) had said—namely, that there ought to be a Minister of Public Works who would undertake the charge of all works of a public character, and especially of the public monuments. Until that was done there would be no improvement, and until there was an improvement our monuments would be a subject of ridicule to all “intelligent foreigners” who happened to visit them.

SIR CHARLES WOOD said, that having been connected with the Board of Admiralty at a time when some of the alterations of plans which had been impugned took place, he felt bound to defend that Department from the accusations that had been levelled against it. With respect to Alderney, there had, no doubt, been an alteration in the plans. The original estimate was for a smaller work, designed by Mr. Walker, who was deserving of all the eulogiums which had been passed upon him. When these works at Alderney were originally designed, the harbour was intended to receive three or four steamers, Alderney being considered a kind of watch-tower against Cherbourg. But in those days steamers were very small vessels as compared with the vessels now built; and when the great increase in the size of steamers took place, it became necessary to alter the plans for Alderney, and to enlarge them so as to enable the harbour to accommodate the larger vessels. Whether the matter had been under the control of the Admiralty or the Board of Works, or of some fanciful Minister of Works, the alteration must have been made, or the public interests would have been injuriously affected. The hon. Gentleman then spoke of Keyham. It had been said that Gentlemen on the front Opposition bench always joined with the Government in passing enlarged estimates; but the reason of that was that Gentlemen on the opposite bench had been in office, and knew at least something about the matter. The original proposal for the purchase of Keyham was made by a Government connected with the party now sitting opposite, and with respect to that dockyard the same thing happened as at Alderney. It was found that the plans as originally framed were inadequate for the demands of a navy composed of larger vessels than existed at the time of the commencement of the

undertaking. Sir James Graham, who at first had objected to Keyham, afterwards found it necessary to propose a considerable increase in the estimates and to construct larger works. When he (Sir C. Wood) was First Lord of the Admiralty, he found that the largest dock of Sir James Graham's construction would not receive the *Himalaya*, and he was obliged to order the removal of the head of a dock to allow that most useful vessel to be received into the yard. Would any one say that it would have been good economy to permit the works at Keyham to be constructed upon the original scale, so as to be utterly useless for our present wants? Then, as to Holyhead, after the original plan and estimate were agreed to, there came a cold fit upon the House of Commons, and upon the recommendation of a Committee the plans were reduced. Soon afterwards the Lords of the Admiralty visited Holyhead, and found that the increased size of war steamers, and the demands of Irish Members for speedy communication between this country and Ireland, rendered it necessary to increase the works. An alteration, therefore, was again made; but would the House say that that alteration was improper? In that, as in the other cases, if those alterations had not been made, the alternative would have been the expenditure of public money upon works which, when completed, would have been of no public advantage. Some remarks had been made as to the advantage which some Departments, such as the Home Office and the Colonial Office, enjoyed of having permanent officers well acquainted with the business of the Departments, and who were able to assist by their experience and knowledge successive Secretaries of State; but the same state of things existed at the Admiralty. There was a director of public works, who was a permanent officer. When he first became connected with the Admiralty he found Colonel Bradford filling that office, and subsequently it had been filled by Colonel Lee. Every first Lord and Board of Admiralty had been able to obtain the assistance of one of those able and distinguished officers, who filled permanent appointments, and were intimately acquainted with everything that was in course of progress.

SIR FREDERIC SMITH said, that any suggestions on this subject coming from the hon. Baronet the Member for Finsbury were deserving the careful consideration of the House; but he feared that to adopt a

system of centralization such as had been proposed would not be conducive to the interests of the country. The charge of the whole of the public works would surpass the physical capacity of any single official, even if one could be found sufficiently skilled in all the different branches of construction to be able to direct them. If the Government, for instance, wanted to build fortifications they must intrust the undertaking, not to a civil, but to a military engineer. In the same way an ordinary architect would not be competent to superintend the formation of docks—a man of special training would be required for that duty. It was true, no doubt, that harbours had been built which were not large enough for vessels of the new and improved character, but that was owing to a change of circumstances for which the Admiralty, who had acted on the best advice, were not to blame. In his opinion, each Department ought to be left to deal with its own works.

SIR JOHN TRELAUNY held that the Government ought to bear the full responsibility of the public works. He recollected that when, some time ago, money was obtained for Alderney, it was then represented as a harbour of refuge; but it was afterwards admitted that that was a mere pretence, and that the real object of the harbour was to watch Cherbourg. He did not think such deceptions ought to be practised on the House.

COLONEL FRENCH said, that the Estimate for Holyhead harbour had already increased to about £1,500,000, and that he believed something like £500,000 more would be required to complete the works.

MR. COWPER said, that the proposal of the hon. Member for Finsbury, to add engineering works to the business already intrusted to the Office of Works was a strange one. The French system was not what the hon. Gentleman had represented it to be, but much more resembled the system in this country. In France public works were under six different Departments. Engineering works could not be properly combined with architectural works under one office. In the case of harbours, the naval authorities must have authority to decide, as they only could know the requirements of ships. But, assuming that the erection of buildings, their repair and maintenance, was to be kept in one Department, and engineering works in another, then he thought the hon. Baronet had raised an important question. That question was how we could best combine the perma-

*Sir Frederic Smith*

nent administrative element of the office of Works with the political and Parliamentary element—that ordinary routine administration which followed precedent with that enterprising policy which fluctuated according to changes of opinion, and which was likely to be influenced by the division list of that House. An undue predominance of the former would render the office bureaucratic, while the excess of the latter would lead to capricious changes. The hon. Member for Honiton (Mr. Baillie Cochrane) was anxious altogether to supersede the political element, and to leave the conduct of the Office exclusively to the permanent and administrative element. But that was impossible; for the permanent officers of the establishment, however able they might be, could not propose Votes to Parliament or introduce measures requiring Parliamentary sanction. If the post of First Commissioner were to be abolished to-morrow, the permanent officers would be obliged to apply to the Treasury to get their views carried into effect; and the Treasury would naturally insist upon having its own opinions carried out, and would not make itself subservient to the permanent officers of another Department. Hence the result of obliterating altogether the political element of the Office of Works would be to place the affairs of the Office under another Department, which could not give sufficient attention to them. The hon. Member was right in principle when he proposed that there should be a permanent Council. At present, indeed, that principle was recognised in the arrangements of the Office, not for the ordinary routine work of the Department, but for those new and important works which were occasionally required to be executed. The permanent staff was sufficient to conduct the ordinary business. Mr. Pennethorne was an able architect; the surveyors did their work well; the administration of the parks had given general satisfaction; and it was a fact that the ordinary Estimates had very rarely been exceeded—a statement which could not be made with respect to France. A permanent Council would not be of much use for the ordinary business of the Office; but, in regard to such matters as the selection of designs for great works, he thought it was very desirable. But practically, as he had said, there was a Council already. The designs for the National Gallery, the Houses of Parliament, and

the Foreign Office were judged, not by the First Commissioner, or by the permanent officers of the Department, but by competent persons nominated for the purpose. There was such a strong party spirit in the architectural profession that it would be very difficult to name any Council of Architects which would give general satisfaction. The profession was divided into two hostile camps, the one being in favour of Gothic and the other of the classical or Palladian style; and it would constantly happen that the persons forming the Council were not those whom they would desire to select for the particular work in hand. A safer course would be to select the best architect that could be found, and when his design was approved, to leave him to carry out that design according to his individual taste and judgment. With regard to the statue in Leicester Square, and the dirty state of the statues in St. Paul's, the Office of Works had no authority over either—if they had, they would at once recommend that arms and legs should be provided for the first statue, and that the others should be cleansed. The works which had been executed during the time that he had been at the Office of Works were such as the hon. Member had not been able to attack. Among them was the new gallery in the National Gallery—a room which was admitted to be perfectly successful as to the lighting and the proper exhibition of the pictures. So also with the restorations at Windsor Castle. The new Westminster Bridge had been universally approved. With respect to the fountains in Trafalgar Square, the basin had been made alive with a great number of jets, the whole making, he thought, a very pretty composition. At all events, something had been done there towards remedying what was previously a great defect. His hon. Friend, then, had not, in his opinion, made out any case for altering this department of the Government; and it would not be expedient to establish a permanent Council, as such a body would not have that responsibility and unity of action which it was desirable to secure in a well-administered office.

MR. LINDSAY said, the right hon. Gentleman had made a very good speech, but what was wanted was some Minister who could be responsible for all public works. For instance, the original estimate for constructing the harbour of Al-

derney, was £650,000, whereas it had been found that the completion of only one pier would cost £1,300,000; and to make an efficient harbour and place of defence would require about £2,000,000. Instead of leaving it to Departments, which proceeded by dribblets, a detailed statement of the works required, with the reasons for any change that might be considered necessary in the original plans, should be submitted to Parliament, in order that they might exercise some proper control over the expenditure. The question of public works was one of much greater importance than the Government seemed to think, and it must be dealt with sooner or later.

#### THE ATTACK ON TRINGANU.

##### PAPERS MOVED FOR.

SIR JOHN HAY rose to call the attention of the House to an attack on Tringanu on the 12th November last, and to move for papers. The question had been asked where Tringanu was, and some explanation was necessary for those who were not acquainted with the Eastern seas. Tringanu was the capital of Johore, the southern province of the Kingdom of Siam; it was situated on a river of the same name, and contained a population of about 30,000 persons. The town had been under the government of Siam ever since the Treaty of 1784, and there was a large amount of English capital embarked in the tin mines there. In 1860 the exports of the place amounted to £85,680, whilst in 1862 they had increased to £102,814. In 1810 the Emperor of Johore died, and the Dutch supported the claims of his younger son; but some years afterwards the English took up the cause of the eldest son and seated him upon the throne. The Dutch then made the younger son Sultan of a small island called Linga; but his lineal descendant, having been expelled in 1857, took refuge at Singapore. He was, however, in no sense a British subject. In 1862 he went in a steamer sent by the King of Siam to visit his relative, the Governor of Tringanu, and was therefore travelling under the safe-conduct of the King of Siam. The adjoining province was in a disturbed state, and umbrage was taken at the residence of the ex-Sultan of Linga at Tringanu; and therefore Colonel Durand the Secretary of the Government of India wrote to Colonel Cavenagh authorizing him to use force, if necessary, to remove the

ex-Sultan from Tringanu. Colonel Cavenagh first wrote to Sir Robert Schomburgk, our Consul at Bangkok, requesting him to endeavour to persuade the Siamese Court to give up the ex-Sultan, and this request was favourably considered by the Siamese Government. Before an answer had been received, however, he despatched the *Scout* and another vessel of war, under the command of Captain Corbett, who was accompanied by Major Macpherson, an Indian political officer—the course usually adopted in the East when a wrong was to be done—to Tringanu, to demand, and if necessary compel, the surrender of the ex-Sultan. On their arrival Major Macpherson visited the Rajah, by whom he was hospitably received, and demanded the person of the ex-Sultan. The Rajah said, that if the ex-Sultan was willing to accompany the British officer, he would offer no objection. The ex-Sultan of Lingah, however, refused to go, and called upon the Rajah to protect him. The Rajah thereupon declined to give him up, but undertook to guarantee that he should not embroil himself with the civil war which was raging in the neighbourhood. Major Macpherson thereupon returned on board the *Scout* and called upon Captain Corbett to use force. Captain Corbett was obliged to obey orders, but, not liking to fire on an unarmed town, he sent a boat on shore giving them twelve hours to consider whether they would comply or not. At the expiration of that time he commenced to bombard the town from a distance of 4,000 yards with Armstrong shells. Captain Corbett did his best to fire only upon the palace and the fort, but, owing to the rolling of the ship, some of the shells fell into this populous town and set it on fire. The bombardment continued during the night, and next morning, when a boat was sent on shore, it was found that the ex-Sultan had wisely left the town and retreated into the forest. The squadron returned to Singapore, where they found that a letter had during their absence been received from the Siamese Court, stating that as soon as possible a steamer should be sent to Tringanu to remove the ex-Sultan and take him to Bangkok. Thus, if they had waited, they would have gained their object, whereas by this outrage we were disgraced in the Indian seas, and the end for which this violence was committed was not attained. He hoped the noble Lord would consent to lay the whole of the Correspondence on the table; but the only letter with which he need

*Sir John Hay*

trouble the House was that of the second King of Siam to Earl Russell, calling upon the noble Earl to do justice. It was as follows:—

The Siamese Minister for Foreign Affairs to the Right Honourable the Earl Russell, K.G., Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, &c. &c. &c.

Dated Bangkok, 27 November 1862.

My Lord,

"I have the honour to inform your Lordship, that when the Siamese Ambassadors visited England on a friendly mission to the British Court, they requested that in any matters of difficulty or doubt they might be permitted to advise with the British Government in London. They were informed, that in any such matters the Siamese were to write through the British Consul at Bangkok, who would forward their Despatches, and an explanation would be sent out to them through the same channel.

"In the present instance, Sultan Mahomet, ex-Sultan of Lingah, whom the Dutch deposed some time ago, went to Tringanu, and from thence took a passage in one of the Singora cruising vessels to Bangkok, in July 1861, and at an audience of his Majesty, the first King of Siam, informed his Majesty that he and his ancestors had been sultans of Lingah; but the Dutch being displeased with him, sent him out of his country. He then took up his abode at Rhio, and afterwards at Singapore and Pahang: in the latter place he lived three years. From Pahang he went to Tringanu, and as the rajah of that place is his maternal uncle, he came to Siam to pay his respects to his Majesty. His Majesty, from courtesy, ordered a suitable place of residence, and provided for him in accordance with his position, as a Malayan rajah, on a visit to Bangkok.

"He remained in Bangkok 11 months; and in June last took his departure to return to his mother at Tringanu. As a Siamese steamer was then about to start on a cruise to Ligore and Singora, a passage was given to him in her as far as Tringanu.

"In August last Her Britannic Majesty's Consul at Bangkok sent me copy of a letter from the Governor of Singapore, stating that the ex-Sultan of Lingah, in going to Tringanu, had instigated Wan Ahmet to fresh disturbances in Pahang, and requested the Siamese Government to use measures to quell those disturbances.

"The Siamese Government sent instructions to the Rajah of Tringanu, and replies to Sir Robert Schomburgk, Her Britannic Majesty's Consul, on four different occasions, the nature of which will be seen by referring to the correspondence, copies of which Sir Robert Schomburgk informs me will be sent by this opportunity to your Lordship.

"On the 6th instant, Her Britannic Majesty's Consul wrote me, handing copies of letters from the Governor of Singapore, and stating that the Siamese must send a vessel to bring back the ex-Sultan of Lingah without fail.

"The Siamese Government submit, that as the ex-Sultan of Lingah is a Dutch subject, the demand that the Siamese should send a steamer to bring him here, and take charge of him, because of the unsettled condition of the small State of Pahang, which is not a British territory, is, to say the least, most unjust. But the Siamese Government, not wishing in any manner that there should

be the slightest misunderstanding, requested me to write in reply, that the steamer "Alligator" would be despatched for the ex-Sultan of Lingah, but that vessel not being in readiness to start at once, it would require some days to put her in a state to proceed. All this was fully explained in that letter.

"On the 17th instant the steamer "Alligator" left this for Tringanu; and on the 24th instant Her Britannic Majesty's Consul wrote me, handing copies of documents from the Governor of Singapore, in which the Siamese Government are informed that the Governor of Singapore had in the mean time sent vessels of war to Tringanu for the ex-Sultan of Lingah; and on not securing his person, had bombarded the town on the 11th instant, before the letter of Her Britannic Majesty's Consul, with the reply of the Siamese Government, could reach Singapore.

"The recent assault upon Tringanu has been entirely occasioned through the disturbances in Pahang, which have been going on for, more or less, some two years, caused by Inchi Wan Ahmet and his brother, the Bandahara of Pahang, fighting for the possession of that territory.

"The statements of the Bandahara, that the inhabitants of Pahang suspect the ex-Sultan of Lingah as instigating Inchi Wan Ahmet, and that the Rajah of Tringanu is favourable to the cause of Inchi Wan Ahmet, have been made solely on the part of the Bandahara of Pahang, and his relative the Tumongong of Johore, through his agents, Messrs. Paterson, Simons & Company, of Singapore; but on the parts of the Sultan Mahomet and the Rajah of Tringanu, their statements have not been heard, so the above assertions are not reliable.

"The bombardment of Tringanu, by authority of his Highness the Governor of Singapore, has been the cause of much alarm to the Siamese Government, as they were of opinion, that having concluded a treaty with a powerful nation like Great Britain, who had appointed a Consul at Bangkok, they could in any difficulties advise freely and confidentially with him, and thereby avoid any misunderstanding; and consequently have always felt grateful to the British Government, who they are aware entertain friendly sentiments towards Siam; they therefore were under the impression that they were beyond such calamities as the recent one. I trust your Lordship will give this matter due investigation, as the Siamese Government look up to the British for assistance and advice in matters of a like nature, brought about by other powers."

CHOW PHYA PHAKLANG,

(L.S.) Minister for Foreign Affairs.

The defence of the Governor of Singapore that he did not know that Tringanu belonged to Siam was a pure piece of ignorance; for, by the 12th article of Captain Burney's treaty, it was provided that—

"Siam shall not go and obstruct or interrupt commerce in the States of Tringanu and Calantate. English merchants and subjects shall have trade and intercourse in future with the same facility and freedom as they have hitherto had, and the English shall not go and molest, attack, or disturb those States upon any pretence whatever."

He held in his hand the letter of Captain Corbett, but would not trouble the House

by reading it, but perhaps he might be permitted to read the Petition of a British merchant, who set forth his injuries in the following manner:—

"Unto the Hon. Colonel Orfeur Cavenagh, Governor of Prince of Wales Island, Singapore and Malacca.

"The Petition of Neo Swee Kam, of Singapore, trader.

"Humbly Showeth,—That your Petitioner is a British subject, carrying on business as a general trader in the town of Singapore; that in the course of his said business he trades extensively in piece goods, hides, and other merchandise with the native towns on the eastern coast of the Malayan Peninsula, and more particularly with the town and port of Tringanu.

"That your Petitioner heretofore had entered into large contracts with various traders at the port of Tringanu, for the purpose of importing buffalo hides and other native produce from Tringanu to Singapore, and also for exporting from Singapore to Tringanu various European and other productions; and in the month of November last your Petitioner was possessed of property at the said town and port of Tringanu to the extent of upwards of nine thousand Spanish dollars (9,000 dollars), which said property consisted of goods and merchandise, and of debts owing from various traders in Tringanu to your Petitioner, for merchandise exported by your Petitioner from the port of Singapore to the said port of Tringanu.

"That, on or about the 11th day of the said month of November, the said town and fort of Tringanu were attacked and bombarded for two consecutive days by Her Majesty's war-steamer the *Scout* and *Coquette*, and your Petitioner is informed and believes that the said town and port were very much damaged and destroyed, and many of the inhabitants killed and wounded in the said attack and bombardment.

"That your Petitioner, on or before the said attack, did not know of any cause of war between Her Majesty's Government and the Government or people of Tringanu, nor had he any notice or knowledge of any intended attack upon the said town and port of Tringanu, nor any means of obtaining such knowledge; and he had no means or opportunity of removing his goods and merchandise, or of collecting and receiving the monies due to him at the said town and port before the aforesaid attack and bombardment.

"That your Petitioner has been informed that his goods and merchandise at Tringanu have all been destroyed or lost to him in consequence of the said attack, and your Petitioner has also been informed by one Lim Keng Jin, who has come to Singapore from Tringanu since its bombardment, that all your Petitioner's debtors and correspondents have been killed or left the said port of Tringanu in consequence of the said bombardment; and that all their property and trade have been utterly ruined by the said bombardment, whereby they will be unable to pay the debts which they owe to your Petitioner, or to carry out the contracts which they had made with your Petitioner prior to the said attack and bombardment.

"That your Petitioner has sustained very great loss and damage in consequence of the said attack and bombardment.



"And your Petitioner therefore humbly pray that your Honour will be pleased to cause an investigation to be made as to the amount of loss and damages sustained by your Petitioner in consequence of the said attack and bombardment, and to order the same, when ascertained, to be paid over to your Petitioner; or that your Honour will be pleased to give to your Petitioner such further or other compensation and relief as to your Honour may seem meet.

"And your Petitioner will ever pray, &c.

(Signed) "NEO SWEE KAM.

"Singapore, Dec. 1862.

"(A true copy. W. H. Read, J.P.)"

The reply of the Governor of Singapore was that it was out of his power to grant any compensation for losses alleged to have been suffered at Tringanu. The occurrence was disgraceful to England, and it had been characterized by Sir James Brooke as the most cruel and illegal act that had ever taken place in the Eastern seas. Instead of causing the Malays to be submissive to British rule, it would have the contrary effect, and very probably induce them to have recourse to retaliatory measures. He trusted that the whole of the papers would be laid on the table, so that the House might be able to judge who was to blame for this most disgraceful outrage.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Papers relating to the attack on Tringanu on the 12th day of November 1862,"—(*Sir John Hay*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR CHARLES WOOD said, that while he could not complain that the Motion had been brought forward, he was not in a position to state at what decision the Government had arrived with respect to the transaction to which it related, inasmuch as they had not yet received the official Report from the Government of India. No one was more anxious than himself to prevent transactions of this questionable character—for that he admitted it to be—but it was only fair to the officers concerned, and who were intrusted with great responsibility, that the Government should not form any decided opinion on their conduct until they had been made acquainted with the whole facts. He must, however, say, that upon a perusal of the papers he

*Sir John Hay*

had on the subject, he thought the course taken was at least precipitate. The ex-Sultan of Linga had been expelled by the Dutch because he had been remarkably troublesome, and he then took refuge in Siam; but the origin of our interference was that the Rajah of the district called Pahang was exceedingly friendly to the English Government, trade to a considerable extent being carried on with that district. The ex-Sultan of Linga, having arrived at Tringanu, carried on hostilities against the Rajah of Pahang, the consequence being that the territory of the Rajah of Tringanu was made the basis of operations by which our trade was greatly interrupted. The Sultan of Tringanu, having been appealed to, refused to send away the ex-Sultan, and the town was bombarded by Captain Corbett, a most excellent officer, acting under the instructions of the Political Agent. He could not make out from the accounts which had reached this country whether anybody had been killed during the bombardment, but the operation was, so far as he could see, conducted with great discretion and humanity. He was perfectly willing, he might add, if the hon. and gallant Gentleman would give him a list of the papers which he required, to produce them; and, under those circumstances, he would not, in all probability, deem it necessary to press his Motion that evening.

MR. LIDDELL wished to direct attention to the fact that nine months had elapsed since this very doubtful transaction took place—the bombarding of the town of a friendly power by an English ship—and he thought the House of Commons had a right to complain that the Indian Government should have allowed so long a period to elapse without sending some information on the subject to the Home Government. That was one objection he had to urge upon this case; but there was another still stronger. This was part of an Oriental policy which he asked that House to watch most carefully, and he besought the House to put a stop to it as soon as possible. These transactions in the East were of the greatest importance to the honour and dignity of England. Here they were bombarding the town of a friendly Power without the slightest apparent reason, they had bombarded Ning-po without any ground of legality, and for aught they knew they might be bombarding Jeddo at this time. Such a policy as this it was time for the House of Commons to put an end to; and he hoped international lawyers

would raise their voices against it. The course which had been followed in this case was not one which a civilized country was justified in pursuing, and as long as he had a seat in that House he would not cease to protest against a policy which resorted to the indiscriminate use of brute force against the weak nations of the East. Such a policy involved injustice, inhumanity, and every principle opposed to the ordinances of Christianity.

LORD NAAS said, it was very extraordinary that such an occurrence should have taken place as long ago as nine months, and that no official information should have been received. [Sir CHARLES WOOD said, that information had been received, but not in detail.] It was quite clear that the Governor of Singapore had taken upon himself to bombard a friendly town, and had not thought proper to send home to the Government an explanation of the reasons which induced him to take so serious a step. It only showed the reckless manner in which our officials in those seas were in the habit of proceeding, and he thought the time was come when the Government ought to issue distinct instructions not only to the Governors of minor settlements, but to the naval commanders, that they were not to fire a shot without the express orders of the Admiralty, except in self-defence. Our naval officers would then be able to reply to any requisition, that if a British settlement was not assailed, they had no power to interfere, and this country might be saved from a serious and expensive war. Our merchants went to these distant places to trade upon their own responsibility; and if there were political disturbances interfering with their operations, they must not expect us to mix ourselves up in miserable dynastic quarrels. It was clear to him that in this case our officials had been carrying on an unauthorized war, and in his opinion that was one of the most serious crimes which a man could commit. He was sorry to say this was not the first time such an occurrence had taken place, and he sincerely hoped the Government would assure them that steps would be taken to put a stop to such things for the future. He should like to know whether any answer had been given to the statement of the Emperor of Siam, and what was to be done respecting the refugee Sultan, whom we had driven with our shells out of Tringanu.

Amendment, by leave, *withdrawn*.

## ACCIDENTS ON RAILWAYS.

### RESOLUTION.

MR. BENTINCK said, he rose to call the attention of the House to the subject of accidents on railways, and to move that, in the opinion of this House, it is the duty of the Government to legislate for the better prevention of such accidents. The progress of science, and various other causes, had led to a complete monopoly by railways of the whole locomotion of the country, and their safety was a matter affecting almost every member of the community. This, he thought, rendered it sufficient for that House and the Government to interfere, if proper cause for interference could be shown. He thought he might ask, whether, during the last few years, there had not arisen a great feeling of insecurity on the part of the public with reference to railway travelling. Many inquiries had taken place on this subject; but this was a subject which should be grappled with in a satisfactory manner, for it involved the safety of every member of the community, of every class, and of both sexes. If he could show that any great number of the accidents resulting from the frightful casualties that had occurred could have been prevented by legislative interference, he thought he should have made out a case for Government to deal with the question, and upon them he should fix the responsibility for the future if they failed to take measures to provide against their recurrence. On previous occasions his right hon. Friend the President of the Board of Trade had argued against Government interference on the ground of the difficulties inherent in dealing with the question. He admitted that there were difficulties, but that was no reason for inaction. That there were difficulties which none but Governments could deal with was the very reason why Governments were required. The point to which he wished specially to call attention was the amount of speed obtained in railway travelling, because he believed the great majority of accidents was to be attributed to that rate of speed. Such was the general opinion of those who had given evidence upon the question. Five years ago he had the honour of presiding over a Committee which sat upon railway accidents, and in their Report they stated that a rate of speed beyond what was safe was attained on many of the lines, and that the evidence showed that such an excessive

rate of speed had arisen principally from the want of strict regularity in the times of departure. He wished to show that regularity was incompatible with the rate of speed now adopted. The Report went on to say—

“Your Committee is therefore of opinion that it is incumbent on the Board of Trade to apply to Parliament for such further powers as may enable them to carry out such recommendations as, in the opinion of your Committee, would greatly diminish railway accidents.”

But what was the result? The result was that nothing was done—the result which usually followed the labours of Committees of that House. The interests involved, however, in the question were so great that it called for special energy on the part of the Government. What were the reasons which had been assigned for the inaction which had been displayed in dealing with that matter? These reasons were twofold. The first reason was, that any interference on the part of the Government with travelling on railways would diminish the responsibility of Directors, and would therefore tend to increase the number of accidents. Now, he readily admitted that any interference by the Government in the details of railway management would be most injudicious and mischievous. But he would confine his interference to the question of speed, and he contended that he would not by that means in any way interfere with the responsibility of railway Directors. The second reason assigned against any action in that matter, was one which he had heard urged some years ago by his right hon. Friend the President of the Board of Trade. His right hon. Friend, upon that occasion, produced figures to show that out of many millions of persons who travelled by railways, there were only a few maimed or killed; and his right hon. Friend therefore contended that there was no necessity for any interference with the manner in which railway travelling was conducted. But that argument amounted to this—that the Government had no right to interfere for the preservation of only a limited number of the lives of Her Majesty's subjects. That was, however, the most inhuman doctrine that could possibly be advanced, and he was sure could not have been in the mind of the right hon. Gentleman. If it could be shown that legislative interference would tend to decrease the number of railway accidents, he was prepared to assert that the responsi-

*Mr. Bentinck*

bility for every accident which could by that means be prevented must rest upon the Government that declined to act in the matter. He repeated that he only proposed to deal with the question of speed, and he was convinced that to over-speed the great majority of railway accidents were attributable. He would cite upon that subject a remarkable statement which had been made to him by a most competent authority, namely, Mr. Stephenson, who had succeeded to the business of the late Member for Whitby, and who was himself a great manufacturer of railway engines. That gentleman told him, that anxious as he naturally was, as a man of business, for expeditious travelling, he never, if he could avoid it, put his foot into an express train; and he went on to say, that any man who knew as much as he did of the risk which must be encountered by every train travelling at express speed, and who afterwards lost his life from travelling in such a train, would deserve to be buried at the cross roads as one who had been guilty of suicide. He might add that it was in all ordinary cases the manifest interest of the railway companies themselves to adopt a moderate rate of speed. He could understand, that if a particular company, travelling to the same point over a longer line, had to compete with the managers of a shorter line, and had, for that purpose, to travel with unusual rapidity, it would be their interest to travel at an exceptional speed. But the lives and limbs of Her Majesty's subjects ought not to be placed in continual danger to put money into the pockets of a particular line. The high rate of speed was the cause of great want of regularity. It was said that the public put a pressure on the railway companies, and insisted that they should be carried at a high rate of speed. But the people who entertained that feeling were not, he believed, the regular men of business, who wished, indeed, for speed, but, above all things, for regularity combined with safety; and those who called for high speed had really no interest in quick travelling, and were quite unaware of the risk. Besides, he should observe, that it was the duty of a Government, in this instance as in others, to endeavour to protect the public against the consequences of their own folly; and the virtual responsibility for all accidents that might occur would rest on the right hon. Gentleman and the Government if they evaded the duty of legislating in the matter. Con-

siderable attention had of late been directed to that question in consequence of the occurrence of some most serious railway accidents. One of the most remarkable of these accidents was that which had taken place on the Brighton line, and in that case the jury, by their verdict, had attributed the calamity entirely to the rapidity with which the train had been travelling. If his right hon. Friend had dealt with that question a few years ago, that accident, in all probability, would never have occurred, and he believed that a very serious responsibility must attach to his right hon. Friend if he refused any longer to deal with that subject.

#### **Amendment proposed,**

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is the duty of the Government to legislate for the better prevention of Accidents on Railways,"—(*Mr. Bentinck*.)

—instead thereof.

**Question proposed,** "That the words proposed to be left out stand part of the Question."

**MR. DUTTON** said, that the House was indebted to the hon. Member for the attention he had devoted to this subject, and it was to be regretted that the inquiry over which he presided with so much ability had not been more successful in its results. As a railway director he could say little on the subject of Government interference; he was not deputed by any of his colleagues to express their views; and he approached the subject with reserve. If the Government could introduce and pass a Bill that would do something to prevent railway accidents, that Act would, perhaps, be the most useful Bill of the Session. The course of proceedings at inquests on persons killed by accidents had generally been most unsatisfactory, and verdicts had been arrived at without the causes of the accidents being ascertained, notwithstanding the best engineering evidence the coroner could obtain. He agreed with the hon. Gentleman that the high rate of speed was the great cause of accidents. He thought that forty miles an hour was the highest railway speed consistent with the safety of the passengers. He agreed with the gentleman who never travelled in an express train when he could avoid it. Although the locomotives were better built now than formerly, the new permanent ways were not better constructed than the old ones, the gradients were steeper and the curves were

sharper; and therefore there was greater danger on the new than on the old lines. But the railway directors were not to blame in the matter of punctuality in the starting of the trains—it was chiefly attributable to the public themselves—they never would come in time. Only a few days ago he had travelled by a train on the South Western, and ten minutes after the time at which the train should have started luggage was being put into the van. It was true that by their by-laws companies had the power of closing the doors five minutes before the train started; and it might be said why did they not do it? Simply because the people would pull the doors down if they did. In France they started their trains with great regularity. The express from Paris to Marseilles was probably the most punctual train in Europe. It left Paris at eleven in the morning and arrived at Marseilles at 6:15 the following morning, the distance being 524 miles. That express never travelled more than thirty miles an hour, but its remarkable punctuality made up for its want of greater speed. And it was much more advantageous to a man of business to travel at a lower rate of speed, with a certainty of being at his journey's end within the appointed time, than to be carried at a higher rate of speed, with the chance of being an hour or two behind his time.

**MR. MILNER GIBSON** said, he did not wish to discuss the general question of Government interference. He admitted, that if Parliament should be of opinion that it was advisable to have more legislative interference with the management of our railways, it would be the duty of the Board of Trade to endeavour to overcome any difficulties that might exist in respect to such interference. He also admitted that though the inquiry which had been conducted by the Committee presided over by his hon. Friend the Member for Norfolk (*Mr. Bentinck*) had not led to any legislative action, it had, in all probability, effected considerable benefit in indicating to railway directors the points in respect to which their management might be improved. His hon. Friend now wanted the Board of Trade to ask for power to interfere in railway management with a view of preventing accidents; but he did not think his hon. Friend had distinctly defined the direction in which it was desirable to supply such power.

**MR. BENTINCK** said, he had distinctly stated that the Board of Trade ought to

have power to interfere when they thought that the speed was in excess of what it ought to be.

MR. MILNER GIBSON said, the proposition of his hon. Friend was that the Board of Trade should regulate the speed of railway trains. But how was that question to be decided? Speed was a relative term. What might be a very safe speed on one line might be a very unsafe speed on another line. There were several circumstances which had a bearing on the point—such as the general management of the line, the condition of the permanent way, the condition of the rolling stock, the nature of the curves, and the inclines of the gradients; and it would be monstrous to limit a well-constructed and well-managed railway to the minimum of speed of a railway in which these conditions were reversed; and when it was remembered that the weather affected the condition of the permanent way, it would be manifest that even on the same line what might be a safe rate of speed one day would not be so on the day following. The Board of Trade should have a sliding scale of speed; and he did not think that Department would be able to encounter the management of such a system. Their doing so would involve the necessity of a vexatious and constant interference, and it would relieve railway directors of much of the responsibility which at present properly attached to them. If it were shown to juries that accidents occurred from culpable neglect, or from trains travelling at a speed the condition of the rolling stock or of the permanent way did not admit of, they would take the circumstances into consideration in estimating the amount of damages they might be called upon to give, and the liability of the directors to pay such damages was the best security for the public safety. He therefore preferred to leave the matter where it was, and he must therefore decline to hold out any hope that the Government would propose legislation with the view of regulating the speed of railway trains. He did not know of one Inspector of Railways who recommended such an interference. The circumstance of a few persons being killed or injured would not entitle them to pass over the matter; for the sake even of a few it might be their duty to legislate, if legislation would prevent accidents; but it was satisfactory to know that there was the less occasion for such interference now than formerly because he believed that the increased speed on our

railways had been accompanied by improved regulation and improved management; and that the public were getting each year the increased convenience of rapid communication with the comfort of increased safety. In 1861 there were 56 accidents, resulting in the death of 46 persons, and injuries to 780. In 1862 there were only 52 accidents, with 24 deaths and 536 injuries of passengers. In 1861 the number of passengers carried by railways was 173,000,000. For 1862 he had not the exact Returns, but he thought the number carried might be taken at 180,000,000. For the first half of the present year there had been 16 accidents, with 4 deaths of passengers and 165 injuries. Thus there had been a gradual improvement, and a strong reason was afforded why the House should let the matter alone and not take into its hands a work which it would never successfully accomplish—the regulation of railway traffic. Speed had not been the cause of very many accidents. The Inspectors' Reports showed that a very large proportion resulted from collisions, the negligence of servants, the want of a sufficient amount of brake power, and so on. Interference with the rate of speed would not prevent these; while, with greater speed, longer intervals between the trains could be afforded, and the risk of collisions was therefore reduced. As to the next cause, where you had to rely on a great deal of human machinery you must take into account a certain occasional neglect of duty. In a large body of servants no legislation could prevent some negligence; and the best security for the vigilance of servants was the present state of the law, which made the master responsible for the culpable negligence of his servants, and for the injuries done visited him with heavy damages. Then another cause of accident was that trains sometimes got off the rails; this arose from the bad condition of the permanent way and from too high a speed in running on sharp curves. But these were casualties against which the Legislature could not provide; and his conclusion was that it would be better to leave the law as it stood. The Department over which he presided had always found railway boards ready to give full consideration to any representations made to them; and though the Board of Trade were not empowered by law to hold a court of inquiry into the causes of accidents, railway companies were only too happy to co-operate with the Inspectors in finding out the real cause of these deplor-

able accidents, with the view of providing a fitting remedy. Under these circumstances, he should not be justified in asking Parliament for powers to interfere in the management of railways, and to impose restrictions upon railway directors, and he hoped, therefore, that the House would not encourage the Motion.

MR. RICHARD HODGSON said, that if railway Directors were subject to the supervision by legislative enactment of the Board of Trade, they would feel themselves relieved from a great portion of the responsibility which had rested upon them, and would cast the responsibility upon the Government Department. At the same time, he did not think that railway directors were remiss in endeavouring to provide against the recurrence of accidents, for it was their interest so to do, in order to avoid heavy damage, and thus protect the property of shareholders. If they permitted unpunctuality in their trains, and had to pay heavy damages, their losses would be quite deserved. Want of punctuality was the main cause of railway accidents; and to show that a high rate of speed was not, he would refer to the quick trains along the east coast between London and Edinburgh, and to the corresponding trains on the west coast, which had met with fewer accidents than any running an equal number of miles throughout the kingdom. The reason was very plain—the directors took care that the line was kept clear for the fast trains, and that proper arrangements were made for them. In fact, express trains were on the whole less subject to accidents than slow ones. Perhaps the House would hear with incredulity the opinion, that where accidents had occurred from railway trains running at undue speed, those accidents in the majority of cases had not occurred upon curves or severe gradients but upon straight and level portions of the line, and that a curve was rather a protection than otherwise where the train was going at a high rate of speed. He believed that this conclusion would be borne out by investigation. No doubt, if trains were run continuously at great speed, they would cause a greater wear and tear of the permanent way and rolling stock; but that was compensated by the increased fares taken for them from the passengers, and by the favour which they met from the public. In fact, if the proposal of the hon. Member were carried into effect, and the Government were to fix a maximum of thirty miles an hour, or were to attempt to

regulate the speed upon railways, the public would be highly dissatisfied, and the regulation would soon have to be repealed. If goods trains ran at undue speed, that was a fault on the part of the management; but the speed of express trains was not the principal cause of accidents.

MR. HARVEY LEWIS thought the hon. Member for West Norfolk deserved well of the country for bringing this subject forward. He believed the fast trains were the safest, on account of the extra attention that was paid to them. No doubt the principal cause of accidents on railways was want of punctuality—not want of punctuality at the starting, but at the intermediate stations; there was a loss of time at those stations, and this led to spasmodic efforts to make up the time, and consequent danger. It was essential that punctuality ought to be observed, not only at the terminus but at the intermediate stations. The directors of various railways must be gratified with the way in which the right hon. Gentleman (Mr. Gibson) had whitewashed them. But the object of the Motion was not to cast blame upon directors, but to call attention to the causes of the too frequent accidents upon railways. The inquiry that was now made after an accident was little better than a farce, because it was made after all traces of the accident had been removed; but he thought the chief cause of accident was that to which he had referred, an attempt to keep time at the terminus after delays at intermediate stages. Until there was some law to make directors, or the railway investing public, feel in their pockets for the loss of life which continually occurred, there would be no hope of preventing these disasters.

MR. CONINGHAM was not quite certain that it would not be for the interest of the railway companies at least that the Government should fix a maximum of speed for travelling. But he believed that express trains were the safest, because the greatest care was taken with them. With stopping trains time was sometimes inevitably lost at intermediate stations, and then, to make up, a high rate of velocity was obtained, which was always attended with some degree of risk. Excursion trains were also a great source of accidents.

MR. KINNAIRD thought that nothing had been said to alter his opinion of the judicious course adopted by the Government. Reference had been made to railways in France, but he hoped we should

never approximate to the French system of railway travelling; for if there was a greater nuisance than another, it was that of being compelled to come to the station half an hour before the time, and to be penned up in a room under lock and key till the train started—and then again, when you come to your journey's end, to be obliged to wait another half hour before you could get your luggage and be off.

Mr. BENTINCK said, that the speeches of the right hon. Gentleman and of the hon. Member below him (Mr. Richard Hodgson) were so much in his favour that he should not weaken their effect by any attempt at reply. He would, under the circumstances, withdraw his Motion.

Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

#### THE UNION MERCANTILE COMPANY OF PORTUGAL.—OBSERVATIONS.

Mr. AYRTON, in rising to call the attention of the House to the losses sustained by British subjects in consequence of the acts of the Government of Portugal respecting the Union Mercantile Company, said, the subject, although directly referring only to individuals, yet had an interest for all who invested capital in foreign undertakings. About five years since the Minister of Public Works in Portugal addressed shipowners in this country, expressing the desire of the Portuguese Government to establish steam communication between Portugal and the Western Coast of Africa. It was represented that the Crown of Portugal had sanctioned the establishment of a company, that the Legislature had approved the project, and had guaranteed a dividend of 7 per cent. The English capitalists desired a further guarantee, and requested the Government to appoint Commissioners to watch over the proceedings of the directors. That further guarantee was obtained, and the English capitalists agreed to subscribe an amount exceeding one-half of the entire capital. No sooner had the directors obtained money than they began to indulge in the most lavish expenditure. Meetings were held of an illusory character, without proper notice being given to the shareholders. At length a crash came, and the Portuguese Government advanced money, accepting in return an assignment of all the property of the company, and thus

*Mr. Kinnaird*

becoming, in short, the mortgagee of the concern. The directors next proceeded to vote money to a large extent for their own remuneration. At that time the English shareholders, who held the great proportion of the subscribed capital, called a meeting to consider the affairs of the company; but the directors actually used the unissued capital as a qualification for votes, and thus defeated them. All this was done with the knowledge and countenance of the Government Commissioners; and when the English shareholders threatened to proceed against the Government for redress, their dividends were withheld, unless they would waive all protest against the illegalities from which their property had suffered. The English shareholders were advised by Portuguese counsel that they were entitled to sue the Government for redress; but it soon became apparent that such a suit would be a mere mockery. The English Government had already expressed sympathy for these ill-used capitalists. It was of course a delicate task for them to interfere in regard to a small State like Portugal. They could not follow the example of the Emperor of the French, and send a man-of-war into the Tagus; but they might, by their remonstrances, teach the Government of Portugal that such a gross fraud—for it was nothing less—as had been perpetrated in this case was not to be glossed over. He understood that his Motion for papers could not now be put, but he hoped the Government would not refuse them.

Mr. LAYARD said, he had already informed his hon. Friend that the Government were ready to lay on the table any papers connected with this question which he desired. This was a very complicated subject, and it was impossible for him to go into it. It appeared to him, however, from the perusal of the papers, that the English capitalists who had been induced to invest in the Company had been deceived. Although they might not be able to make out a technical claim against the Portuguese Government, their moral right was very great. Her Majesty's Government had very strongly pressed the claims of these persons on the Portuguese Government; but he regretted that their representations had not hitherto produced the desired effect. They would still continue to direct attention to the question, and he hoped the Portuguese Government would, for their own credit and interest, take care that justice was done. The English shareholders undoubtedly advanced this money on the

faith that the Portuguese Government had given their guarantee to the concern. An adverse decision had been given in the Portuguese courts; and although there was an appeal to the Crown, it was understood that was quite a hopeless proceeding. He hoped, however, that the Government of Portugal would for its own sake recognise these claims.

## THE STATE OF THE LAW COURTS.

### OBSERVATIONS.

MR. MONTAGUE SMITH said, he rose to call attention to the insufficient accommodation in the Courts of Law at Westminster and in the City of London. He hoped the Government would give serious attention to this subject, which was of considerable importance. When a Judge was obliged to suspend his sittings because the state of the court was dangerous to the health of those who had to attend in it, and when the business of the Queen's Bench was thus impeded, it was surely high time that a remedy should be provided for so great a scandal. The Government were bound to provide proper accommodation for the administration of justice. The present courts were, however, utterly unworthy of the country and totally unfit for the purposes they had to serve. They combined all the defects which a court could possibly exhibit, and were as objectionable on account of their want of space as on account of the absence of convenient arrangement. The Bar might, perhaps, become acclimatized to the bad atmosphere of these places; but some consideration should be given to the suitors, witnesses, jurors, and the general public, who were occasional visitors. Of the six or seven courts of Westminster, only two, the Queen's Bench and Exchequer, were in the least suitable for the transaction of business. The Common Pleas, in which a full third of the important law business of the country was conducted, was much too small, and extremely ill-ventilated. When there was a trial which attracted public attention, the court was most inconveniently crowded, and there was an utter want of that proper accommodation and that regard for the health of those who were engaged in the court, which ought to be exhibited in a tribunal of so much importance. The Court of Common Pleas might probably be borne with, but the Bail Court and the Court of Exchequer Chamber, which were now used for

purposes for which they were not originally intended, were utterly disgraceful. With the exception of some of the courts in the City of London, they were the worst he had ever seen. There was but one entrance, and the greatest difficulty was experienced in transacting the business with common decorum and decency. But the courts in the City of London were infinitely worse. In the City six courts were now required because each of the superior courts had two courts for the trial of causes. At Guildhall there were only two or at most three courts which were fit for the transaction of business. The Queen's Bench and the Common Pleas, although nothing to boast of, were large and well ventilated; but the others were the very reverse. There were two new courts, which seemed to have been constructed for the purpose of preventing business being satisfactorily done in them. They were modelled after the fashion of cucumber frames, being large square boxes with glass tops, and in hot weather it was impossible to remain in them without extreme danger to health. It was in one of these courts that Mr. Justice Mellor recently found himself unable to go on with the business. The occurrence was reported in *The Times*, and the report, appearing as it did in a paper read throughout Europe, was a disgrace to the country which permitted such a state of things to continue. It was as follows:—

"The Lord Chief Justice, upon taking his seat to-day, said that he had received a note from Mr. Justice Mellor, to the effect that it was utterly impossible, with due regard to the health of the Judge, the bar, and the jurors, to continue the sitting of a Second Queen's Bench Court in what was called the south court of Guildhall. The atmosphere at this time of the year was most oppressive; and as there was no proper means of ventilation, long continuance in it was attended with most pernicious and injurious results. His Lordship added that Mr. Justice Mellor was about to leave for circuit, but, under these circumstances, he could not ask any other Judge of the Queen's Bench to incur the serious inconvenience from which his brother Mellor had suffered for several days. There would, therefore, be no Second Court of Queen's Bench for the remainder of these sittings."

The consequence had been a great addition to the arrear of causes. But the report in *The Times* did not go far enough, for he believed that Mr. Justice Mellor complained also of the confined space of the court, and its inconvenience in every respect. On the following day the Recorder for the City held a sitting in the same court. He presumed the City autho-



rities acted on the principle that they might do what they liked with their own ; but certainly the learned Recorder must have sat in an atmosphere extremely injurious to his health. The City authorities were scarcely to be blamed for this state of things, because it was only in recent years that two courts had been required at Guildhall for each of the superior Courts, and he believed that the additional accommodation provided was intended to be only of a temporary character. Unfortunately, however, it had existed without change for a number of years, and, notwithstanding numerous complaints, no effort had been made to remedy the inconvenience. He had been speaking of the courts only as yet, but the accessories of the courts were miserably defective. Neither at Westminster nor in the City were there waiting-rooms or retiring-places for witnesses, many of whom were women ; and all attending the courts had either to haunt the purlieus or to remain in neighbouring taverns until they were called. No attempt had been made to give the Bar any accommodation whatever. At Westminster there was no room where the Bar could have a library. In that respect Edinburgh and Dublin were far before London, and a much better state of things existed even in Liverpool and other provincial towns. He did not wish to throw blame on the present Government. Only a year ago, indeed, they endeavoured to provide a remedy by proposing the establishment of a Palace of Justice. It was to be regretted that their scheme was defeated by a hasty division ; but he was bound to say, that although the hon. and learned Member for the Cambridge University (Mr. Selwyn) had the apparent honour of defeating it, he believed it received its death-wound from some unseen hand at the Treasury. He hoped the Government would either re-introduce that measure—and if they did, he believed the House would be ready to accept it—or bring forward one of a less comprehensive character ; for if millions could be expended on fortifications, and if a large sum could be voted for the purchase of a building for a collection of stuffed animals, surely we could afford to provide Courts of Justice affording suitable accommodation for the suitors, the Bar, and the Judges.

MR. MALINS said, that bad as were the defects of the courts of law, they sank into insignificance compared with those of the courts of equity. By alterations made

*Mr. Montague Smith*

during the last three or four years the courts of equity had been turned into *mis prius* courts. The Chief Commissioner of Works, who had visited Lincoln's Inn, would know that a vast amount of the administrative business of the Court of Chancery was conducted in chambers not larger than the room behind the Speaker's chair, and which were utterly unfit for the transaction of any business whatever. Then the courts of equity themselves were in a worse state as regarded accommodation than even the courts of common law. There was no space for a jury-box, no place for the jury to retire to when they had to consult together, no room for the Bar and the solicitors, and the room into which the Judge had to retire was about eight feet square. Two of the Vice Chancellors sat in sheds that were erected twenty years ago, when the judicial staff was increased. There ought to be one great central building, where justice in all its branches could be duly and decorously administered, instead of having the courts scattered, as was now the case, in different parts of the town. The courts of equity might be kept together at Lincoln's Inn for an outlay of about £100,000 only. If that were carried out, he would be glad to support the scheme for placing all the courts of law under one roof between Lincoln's Inn and the Temple. He would be happy to concur in that or in any other situation which the Government might fix upon in which to provide suitable courts with accommodation for the Judges, the Bar, the solicitors, the suitors, the jury, and the witnesses ; so that there might be some approach made to the proper and decent administration of justice. When the Government contemplated making an expenditure at Kensington or elsewhere, there seemed to be no lack of means for the purpose ; and the Chancellor of the Exchequer ought not to refuse to provide the funds for an improvement so important and so imperatively called for as the present. He thought that £1,000,000 would suffice for the whole of the Courts of Law and Equity, the interest upon which at 3 per cent would be £30,000. The suitors, he was sure, would be gladly taxed to pay that amount of interest ; although, as the Solicitor General knew, the means already existed for defraying it. He appealed, therefore, to the Government to take the necessary steps without delay for securing an object which ought to be the first concern of a civilized State.

MR. COLLIER thought the hon. and

learned Member for Truro (Mr. M. Smith) deserved the thanks of the profession and the public for calling attention to what had long been a crying grievance. The complaints regarding the defective accommodation in Westminster Hall were very old, and Lord Erskine had once called the Court of Common Pleas "a hole in the wall." There had been a vast increase of judicial business of late years, owing to a variety of causes, and the courts of law were entirely blocked up: there was a great delay in the hearing of cases, and if a case was entered in the Court of Queen's Bench, the chances were that it would not be disposed of for twelve months. Indeed, it was a question with him whether the existing judicial strength was sufficient for the transaction of all the business which now came before the courts. He regretted that the comprehensive scheme of the Lord Chancellor, for erecting one large building in which all the courts should be concentrated, had not been successful. He was glad to hear that there would be no further opposition from Lincoln's Inn if that scheme were again brought forward.

MR. WHITESIDE said, he would point to the Probate Court recently erected in Ireland as an instance of bad taste and inconvenient arrangement. He wished, before the Solicitor General spoke on this subject, to put to him two questions—a particular question and a general one. The particular question related to the assimilation of the law in the two kingdoms. A person had lately been tried in Ireland for sending a threatening letter. There they might establish the proof of writing by comparison, but in England that law was made to apply only to civil cases; in Ireland it applied to both civil and criminal cases. He wished, therefore, to ask the Solicitor General which was the best law; and whether, as there were two separate laws of evidence, the one in civil the other in criminal cases, that distinction should prevail. The other question he had to put was general. Elsewhere something was being done in the consolidation and assimilation of the statute law; he wished to know if anything was to be done in that respect for Ireland.

THE SOLICITOR GENERAL observed, that at that late period of the Session it would of course be impossible for the Government to introduce any measure on the subject of the Law Courts with any chance of carrying it. He had, however,

heard with great interest and satisfaction the observations made by so many of his hon. and learned Friends relative to the deplorable condition of the courts compared with those of any other civilized country. He owned, if those eloquent statements from the other side had been made last year, they might have been attended with considerable effect:—but the measure introduced by the Government, which was now described as an excellent comprehensive measure, was lost by a majority of one, and his hon. and learned Friend for Wallingford (Mr. Malins) was that individual. He did not mean to say what would be the best course for the Government to take with the uncertainty that might still prevail as to the views of Lincoln's Inn, and of other Members sitting on the same side of the House with his hon. Friend the Member for Wallingford. Undoubtedly the evil complained of required a remedy; but he should not so much regret the temporary continuance of the miserable state of things described as an attempt to meet it by incomplete or inadequate measures. The country had a real and important interest in providing properly for the administration of justice; and we had actually got the money in hand. Not one farthing need be voted by the House. There was every reason to believe that the funds in the Court of Chancery which might be legitimately used for this purpose would be adequate for the whole expense of the purchase of ground and buildings. He hoped this discussion would not be without fruit; but he certainly did not admit that the Government in 1863 was to blame for the continuance of the inconvenience complained of. With reference to the questions put by the right hon. Gentleman the Member for the University of Dublin (Mr. Whiteside), he had to state that the rule of evidence ought to be the same in criminal as in civil matters, and before long he hoped the anomaly would be removed. With regard to the general consolidation of the Irish statutes, that was a very large undertaking, as to which he could give no promise at present. In England the work of expurgation and reduction was going on; when that was done, other undertakings might follow. He believed that arrangements were actually in progress for dealing with the Irish statutes in the same manner and to the same extent as had been done with the English statutes.

MR. LYGON protested against its being

supposed that there were not serious objections to the great and comprehensive scheme which had been referred to. In his opinion it was unnecessary and extravagant. The better plan would be to make use of existing accommodation, and add to it anything which might be needed. He was, however, content to leave the matter upon the Treasury Minute of 1861, which showed that it was probable that according to the scheme proposed a large charge would fall upon the public.

THE CHANCELLOR OF THE EXCHEQUER said, that the Treasury Minute referred to was not a statement of the outlay which the scheme must necessarily involve, but a maximum estimate of the sum which it might cost. Of late years the Treasury, warned by what had occurred with regard to public buildings, more especially with regard to the Palace of Westminster, had adopted the course of submitting to the House only maximum estimates—estimates of the highest sum which the works referred to could possibly cost. Unfortunately, hon. Members had, in two or three cases, assumed that these were minimum estimates, which would be sure to be exceeded, and thus a certain amount of delusion had been produced. With respect to the building of new courts, the Government had been waiting for the concurrence of the House, and after the encouragement which they had received in the course of this debate they would no doubt be ready to discharge the duty to which the hon. and learned Member opposite had directed their attention.

MR. O'HAGAN (Attorney General for Ireland) said, that the consolidation of the Irish Statutes was actually in progress, and that two gentlemen of capacity and experience were engaged under his direction in doing for the statutes of Ireland what was now being done for those of England, and he had no doubt that their work would be efficiently and successfully performed.

MR. CAVENDISH BENTINCK, as a Member of the Committee which examined the scheme for the construction of the courts of justice, said, that the opinion of that Committee was that the estimate was not a maximum but a minimum one, and that the building could not be erected simply out of the Suitors' Fund. The fact was that it was the case of "the Brompton boilers" and Captain Fowke over again. It was a pet scheme of the present Lord Chancellor, then Attorney General, who

*Mr. Lygon*

had his pet architect, Mr. Abraham. Mr. Abraham himself was forced to admit, that if the proposition of Lincoln's Inn were accepted, one half the expense would be saved.

Question put, and *agreed to*.

SUPPLY.

SUPPLY *considered* in Committee.

House *resumed*.

Committee report Progress ; to sit again on *Monday* next.

# ENGLISH CHURCH SERVICES IN WALES BILL (*Lords*)—[BILL 190.]

THIRD READING.

Order for Third Reading read.

MR. WALPOLE moved that this Bill be read a third time.

Motion made, and Question proposed, "That the Bill be now read the third time."

COLONEL WILLIAMS deemed the Bill uncalled for, and moved that it be read a third time this day two months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(*Colonel Williams*.)

COLONEL PENNANT supported the Bill. The Amendments which had been introduced entirely removed all well-founded objections to it.

MR. LYGON thought the Bill was not so obnoxious as when it came down from the House of Lords, but was still open to great objection. He was of opinion that it should be made temporary in its operation.

MR. H. H. VIVIAN supported the Bill, and said there were many places in Wales in which its operation would be of advantage.

MR. C. W. WYNN also supported the Bill. He had received several letters from clergymen in Wales in favour of the measure, and but one against it.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 38 ; Noes 0 : Majority 38.

Main Question put, and *agreed to*.

Bill read 3<sup>d</sup>, and *passed*, with Amendments.

## TURNPIKE TRUSTS ARRANGEMENTS BILL.

On Motion of Mr. BRUCE, Bill to confirm certain Provisional Orders made under an Act of the fifteenth year of Her present Majesty, to facilitate arrangements for the relief of Turnpike Trusts, ordered to be brought in by Mr. BRUCE and Sir GEORGE GREY.

## TURNPIKE ROADS BILL.

On Motion of Mr. BRUCE, Bill to amend the Laws relating to the repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain, ordered to be brought in by Mr. BRUCE and Sir GEORGE GREY.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter  
before Two o'clock, till  
Monday next.

## HOUSE OF LORDS,

*Monday, July 13, 1863.*

MINUTES.] — SELECT COMMITTEE — *Report—*  
Land Drainage (Provisional Orders) (No. 160);  
Port Erin Harbour (Isle of Man) \* (No. 160).

PUBLIC BILLS—*First Reading*—Greenwich Hospital (Provision for Widows) \* (No. 207); Metropolitan Main Drainage Extension \* (No. 208); Growing Crops Seizure (Ireland) \* (No. 209); Navy Prize Agents \* (No. 210); Fisheries (Ireland) \* (No. 211); Alteration in Judges Circuits [H.L.] \* (No. 212); Colonial Acts Confirmation [H.L.] \* (No. 213).

*Second Reading*—Prisons (Ireland) \* (No. 195).  
Committee—Drainage and Improvement of Lands (Ireland) \* (No. 198); Metropolitan Turnpike Roads Acts Amendment \* (No. 145).

*Report*—Sir Robert Hitcham's Charity \* (No. 165); Ruthin Charities \* (No. 166); Police and Improvement (Scotland) (Provisional Order) \* (No. 194).

*Third Reading*—Colonial Letters Patent [H.L.] \* (No. 189); Poor Law Board Continuance \* (No. 187).

*Royal Assent*—Bakehouses Regulation [26 & 27 Vict., c. 40] \*;

Sale of Mill Sites, &c. (Ireland) [26 & 27 Vict., c. 42] \*;

Security from Violence [26 & 27 Vict., c. 44] \*;

Innkeepers' Liability [26 & 27 Vict., c. 41] \*;

Postmaster General (Sale of Land) [26 & 27 Vict., c. 43] \*;

London Coal and Wine Duties Continuance [26 & 27 Vict., c. 46] \*;

Salmon Fisheries (Scotland) Act Continuance [26 & 27 Vict., c. 50] \*;

Mutiny (East India) Act Repeal [26 & 27 Vict., c. 48] \*;

Courts of the Church of Scotland [26 & 27 Vict., c. 47] \*;

Duchy of Cornwall Management (1863) [26 & 27 Vict., c. 49] \*;

Vaccination (Ireland) [26 & 27 Vict., c. 52] \*;

Passengers Act Amendment [26 & 27 Vict., c. 51] \*;

Militia Ballots Suspension [26 & 27 Vict., c. 53] \*;

Walmer Vesting [26 & 27 Vict., c. 104] \*;

Inclosure (No. 2) [26 & 27 Vict., c. 18, 39] \*;

Thames Embankment (North Side) [26 & 27 Vict., c. 45] \*.

## THE CHANNEL FLEET IN THE BALTIC.

## QUESTION.

THE EARL OF MALMESBURY said, he wished to put a Question to the noble Earl the Foreign Secretary, of which he had given him private notice—namely, whether an article which appeared in *The Observer* on the previous day was correct. *The Observer* had the reputation of being patronized by the Government, and of being a reflection of their opinions and intentions. That might or might not be the fact; but the belief had the effect of attracting public attention to statements which, if published in another paper, would fail to obtain any credence. The paragraph was as follows:—

"We must await the arrival of Russia's reply to the joint notes of the three Powers. In the mean while our Channel fleet is ordered to cruise in the Baltic. The *Defence*, *Resistance*, and *Royal Oak*, are not only suggestive in name, but exceedingly mighty in the power to do mischief. Perhaps their appearance in Russian waters on a peaceful cruise may have a good effect."

It was impossible to misunderstand the feeling evinced in this paragraph. It was one of menace to Russia; and although that might not be the intention of the noble Earl, yet, if our fleet were at this time going to the Baltic, it was certain that the same inference would be drawn by Europe generally, and by the Russian Government in particular, as was drawn in this article. The noble Earl might say that the fleet was gone to the Baltic for a summer cruise, which was usual at this time of the year; but it would, nevertheless, he must be permitted to say, show a great want of tact and judgment to send the fleet into the Baltic, considering the position in which the two countries stood, and the diplomatic negotiations which were being carried on with Russia on the Polish question. He wished, therefore, to ask the noble Earl, Whether it was true that this demonstration on our part had been made, and whether the English fleet had been sent in all its strength to the Baltic?

EARL RUSSELL: In answer to the Question of the noble Earl, I beg to state that there is not the smallest foundation

for the paragraph which he has seen in *The Observer*. Whatever information *The Observer* may obtain occasionally, the editor must certainly have been misinformed as to the intention of the Government in this case.

#### GREECE.—QUESTION.

THE MARQUESS OF NORMANBY wished to inquire of the noble Earl (Earl Russell), Whether there was any truth in the statement which appeared two or three days ago in some of the French semi-official papers, to the effect that the family of the young King of Greece had declared in London, that His Majesty would not start for his destination until some arrangement had been made between the English Government and the National Assembly of Greece for the temporary occupation of that kingdom by British troops?

EARL RUSSELL said, that no such intimation had been made to the English Government.

THE MARQUESS OF NORMANBY said, the statement appeared in *La France*, a paper supposed to be as official in Paris as *The Observer* was in London.

#### THE BURIAL SERVICE.—QUESTION.

LORD EBURY said, the House would recollect that six weeks ago he moved an Address to Her Majesty, praying Her to appoint a Commission to consider what steps should be taken to obviate the scandals which arose from the present compulsory state of the law in requiring the indiscriminate use of the Burial Service of the Church of England. It appeared to be the unanimous opinion of the House, that the evils were so intolerable that they ought to be put an end to as soon as possible. Eventually the most rev. Prelate (the Archbishop of Canterbury) said he would do all that he possibly could to devise a legislative remedy. Unfortunately, while this matter was pending, the scandals went on as they did before. Only the other day, he received a letter from a gentleman in Warwickshire relating to a case in which a man had put an end to his existence by deliberately walking into a pond. An inquest was held, and the result was a verdict of insanity, and an order by the coroner for the burial of the body. The curate of the parish said he dared not read the appointed service, and the service was ultimately performed by a clergyman from a distance,

*Earl Russell*

who was ignorant of the circumstances. A similar case had happened in a more populous place. In that instance, the Burial Service was performed amid the murmurs of the people assembled; and when it was over, a woman went up to the clergyman and said to him "Sir, the man you have buried is my husband. You may say what you please, but I know that he is gone to hell." Cases of this kind showed the necessity for the Question which he now put to the most rev. Prelate—namely, What steps had been taken towards devising a remedy for the evils in question?

THE ARCHBISHOP OF CANTERBURY said, he had no difficulty in answering the Question. In the course of the debate to which the noble Lord had referred, he was asked to pledge himself to bring forward, before the end of the Session, a measure which would be satisfactory to the House. Such a pledge he declined to give; but he undertook to say for himself and his right rev. Brethren, that they were prepared to give their serious attention to this important subject, and they were resolved to ascertain as soon as possible the views and feelings of the clergy. In fulfilment of that promise, a large assembly of Bishops took place four or five weeks ago, which was attended not only by Prelates of the United Church of England and Ireland, but also by a considerable number of Colonial Bishops. A prolonged discussion took place, but no decision was arrived at; the meeting was adjourned, and would be resumed. Meanwhile, the Lower House of Convocation had, with the concurrence of the Upper House, taken the subject into their consideration, and their views with regard to it would be communicated through their Prolocutor. He hoped that when Parliament met again he should be able to inform their Lordships what was the result of the discussion of the matter, and that some satisfactory conclusion would be arrived at.

THE EARL OF DESART said, he retained the opinion that the question should have originated with Convocation; adding, that no one could doubt the possibility of repentance at the last moment.

THE ARCHBISHOP OF YORK said, after what had passed in Convocation, and the correspondence which had taken place on the subject, he did not entertain any sanguine hope that the bench of bishops would be able to lay before their Lordships in the next Session of Parliament any measure to meet the difficulties complain-

ed of. No doubt there was every intention to meet the question fully and fairly ; but if there was one thing more than another which came out clearly at the meeting to which the most rev. Primate had referred, it was the great difference of opinion as to the remedy to be applied. On the one hand there was a strong desire to retain the service as it was, and on the other a wish to make changes which did not seem calculated to meet the cases which were complained of. The burial service was used over three classes of persons — first, those as to whom there was no moral doubt that they were passing from the trials of time to a happy eternity ; secondly, those about whom the clergyman could form no definite conclusion ; and lastly, those as to whom very little hope could be entertained. A great variety of remedies had been proposed. The first suggestion was that discipline should be restored, that evildoers should be excommunicated, so that their position might be known during life, and the use of the service withheld when they were dead. Upon this he would only say that he did not think that any measure of that kind was to be expected at present. Indeed, a complete system of discipline could only be maintained in a small sect ; and any attempt to restore discipline in that sense to the Church of England would result in denationalizing the Church. The next proposal was that a discretion should be vested in the clergyman, who should read the service or not, as he thought right. The feeling of their Lordships, as evinced in the last debate, was decidedly against giving such a discretion. Here was one instance of what might happen under such a discretion. A clergyman in the diocese of a right rev. Prelate who was then present in one case omitted the words “as our hope is this our brother doth,” the reason why he did so being that it was reported that the person whom he was burying had died in a state of drunkenness. The matter was brought before the right rev. Prelate, who thought he was not warranted in the course he had pursued. The clergyman submitted himself to the judgment of the Bishop ; and he was obliged to confess that the information on which he had proceeded was perfectly fallacious, and that there was no ground whatever for saying that the man had died in a state of intoxication, so that an irreparable wound had been inflicted on the friends of the deceased person without any gain to religion. Another proposal made was to vest a kind of joint discretion

in the bishops and clergy in this matter. But with this scheme geographical considerations had something to do. Some Bishops were much more erratic, and were less easily found than others ; in some dioceses railways were less numerous ; and a question of Church discipline ought not to depend upon these accidents. To meet this geographical difficulty, it had been proposed that the Bishop's power should be retrospective, and that the clergyman might refuse to read the service on his own responsibility, and then throw the matter into the hands of his Bishop. But very painful consequences might possibly result from this arrangement. A clergyman might rely on the support of the Bishop, and in the end find himself disappointed and deprived of that support. Another proposition found favour with a great many people—that there should be an explanatory or declaratory rule or declaration inserted in the articles, stating that the words of hope were only general words, and ought not to be taken as a judgment upon the state of the particular individual. But he thought it very unsafe to say that words were not to be taken in their natural meaning. It was impossible to say that these words did not express a very high strain of hope in the future happiness of the deceased person. He was sorry to weary their Lordships, but it was impossible, without going through these suggestions, to point out the difficulties of the case. Another suggestion, and one of the most practical, which had been forwarded to him by a clergyman, was the following :—That the service for communicants should be exactly the same as at present ; but that in the case of persons who had voluntarily excluded themselves from communion, a service should be prepared for them in which there should be no allusion to the deceased person, but only words of general recognition of the hope of immortality. He now came to the suggestion of the noble Lord (Lord Ebury). Their Lordships had been told in the last debate on this subject that the remedy for all our difficulties was to be found in the American Prayer Book ; and they had been told that the American service might be read over the most reprobate criminals—such as a burglar who had been killed in the act of committing a burglary. The words were these—

“Forasmuch as it has pleased Almighty God in His infinite mercy to take out of the world the soul of our dear brother, we commit his body to the ground—earth to earth—ashes to ashes—dust to dust—

looking for the general resurrection and the second coming of our Lord Jesus Christ."

But he appealed to their Lordships whether such a service could be considered applicable to such a case? If they had to deal with the case of a criminal such as he had mentioned, the only service to be used must be a service of profound silence. The hope of a general resurrection ought not to be suffered to apply to these cases at all. To say that these words would make all our difficulties easy was a complete mockery. No doubt the difficulties which attended the question were very great. He had honestly considered the subject, to redeem the pledge given in a former debate, but he could not say that he was prepared at present with any suggestion. He thought it would be inconvenient if the House were to separate with any idea that a pledge existed on the part of any Member of their Lordships' House that a measure would be brought forward again next Session. He did not believe that any recommendation tending to remove this difficulty would emanate from the bench of Bishops, or that any improvement could be expected to emanate from a Royal Commission.

EARL GRANVILLE said, he greatly regretted that the most rev. Prelate should hold out no hope of a solution of the difficulties to which he alluded, and thought it would be a very great mistake to give up the matter in despair.

THE ARCHBISHOP OF YORK said, he did not wish it to be understood that all consideration of the question must be abandoned. He wished simply to convey that no pledge could be given that a satisfactory solution would be found before next Session.

EARL GRANVILLE said, he still entertained the opinion that it would be a great mistake to give up the matter in despair; and he was not without hope that a solution of this difficulty which would prove generally acceptable would ultimately be arrived at.

THE BISHOP OF EXETER (who was very imperfectly heard, and who spoke the latter part of his speech from his seat) said, he had frequently hoped that some solution of this difficulty would be discovered, but at present he entertained no such hope. At the same time, he knew that his Friend the most rev. Prelate would do his utmost to give the subject the most deliberate and anxious consideration; and there was no part of Her Majesty's subjects whom the bench of Bishops would be so glad to satisfy in this matter as their Lordships. But he did not think that any solution of the

*The Archbishop of York*

question would be arrived at when Convocation took it into consideration after the recess. If it were possible, he hoped they might get out of this dilemma. Were they prepared to say that the burial service should not continue as an expression of Christian hope over those who were brought to the grave. ["No!"] He thanked their Lordships for that expression of opinion. That being so, they must regard it as an essential part of the funeral service that it should contain the express language of Christian hope. But was that language to be used indiscriminately? It had been suggested that the use of this expression of hope should be left to the discretion of the clergyman. He sincerely hoped that this would never be, that there would never be an *inquisito post mortem* at the grave. Then came the question of whether a clergyman who omitted to use the service should be made liable to punishment. He hoped the matter would in this respect be left as it was. At present a clergyman who omitted to perform the service was liable to ecclesiastical proceedings. And so it ought to be. The question then arose, whether a clergyman would lay himself open to ecclesiastical punishment who professed himself unable to use this language over men who had cast off their Christian allegiance, or who had died, it might be, blaspheming their Redeemer. The utmost punishment that could be inflicted on a clergyman for such an offence was not a heavy one—it consisted of suspension for three months; and he could not doubt that in cases of this kind, where the clergyman admitted his offence against the law, and submitted himself to his bishop to award his sentence, that sentence would be a lenient one. He thought the matter should be left there, unless they were prepared altogether to eliminate the language of hope from the service.

#### POLAND.—ADDRESS FOR PAPERS.

EARL GREY: My Lords, I should infinitely have preferred that my noble Friend near me (the Marquess of Clanricarde), who first gave notice that he would call your attention to the affairs of Poland, should have resumed his Motion on his return to London; but as he does not wish to do so, and as I think it important that it should be brought before your Lordships, I have undertaken the task. I have less hesitation in doing so because I shall occupy a small portion of your Lordships' time, and I knew that whatever importance the dia-

cussion may have it will derive not from what I may say, but from the explanations of Her Majesty's Ministers and from your Lordships' expression of opinion in this House. It is, I think, of great importance that we should have such explanations of the views of the Government and such an expression of your Lordships' opinion, because I cannot look at the present state of things as regards Poland without entertaining very serious apprehensions as to the consequences to which it may lead. I do not forget that my noble Friend the Secretary of State, in discussing the subject not long ago, declared a strong opinion against armed intervention on behalf of Poland. He stated that he thought, that instead of any good likely to arise from such intervention, it would most likely lead to calamity and confusion, and he trusted the tranquillity of Europe would not be disturbed by any appeal to arms in behalf of Poland. I believe that in expressing that opinion my noble Friend expressed an opinion which is shared by a great majority of your Lordships and of the nation. I believe that there are few persons who have carefully considered this critical question, without coming to the conclusion that it is one upon which a war would not be likely to lead to any good result; and therefore I am persuaded that if the question were put distinctly to Her Majesty's Ministers, to Parliament, and to the nation, "Will you, or will you not go to war on behalf of Poland?" the answer would on the part of each be "No." Although I believe that there is a general concurrence of opinion, and that every person in this country is convinced that it is not a case in which we ought to go to war, still I cannot read the papers which have been laid upon the table without feeling great alarm, lest, while we are very far from intending it, we may yet gradually and step by step be led to that most awful conclusion of war. I believe that that is a danger at this moment of a most serious character, and I believe it can only be averted by this country acting upon a clear and well understood line of policy. I therefore regard it as above all things necessary that Her Majesty's Government should not take any, even the smallest, step in this matter, without the fullest consideration as to the ultimate result to which it may tend, and that they should constantly bear in mind how difficult it is, when once embarked upon the wrong track, to know when or how to stop; so that by a single false step they may be betrayed into a

course which, if they had been asked to adopt in the first instance, they would have refused without hesitation. I believe that their policy, deliberately adopted and firmly adhered to, should also be understood by the nation and by Europe, and that there should be no mistake as to what line this country will ultimately take upon the question. I am confirmed in that opinion by remembering what formerly happened. It is just ten years ago since we were placed in a position with regard to Turkey and Russia not very different from that which we now occupy with regard to Poland and Russia, and at that time both your Lordships and the public would almost unanimously have declared that there was no danger of our going to war with Russia in the Turkish quarrel. I remember being myself so convinced of this, and that it was therefore better to leave the matter in the hands of the Government, that I was one of those who joined in dissuading my noble Friend near me (the Marquess of Clanricarde) from raising a discussion upon the subject. The result, I think, proved that my noble Friend was right in thinking that such a discussion would have been useful, and that we who induced him to abstain from bringing it on were mistaken; for, in consequence of there having been no such public declaration of the views and intentions of Her Majesty's Government as would have been elicited by a debate in this House, both Turkey and Russia were left in doubt as to what the policy of this country really would be; and thus it happened, that whereas there would have been no war if it had been distinctly known from the first that we either would or would not support Turkey by arms in her refusal of the demands of Russia (because in the one case Russia would not have committed herself to insist on what she asked, and in the other Turkey would have yielded), the perfect uncertainty which was allowed to hang over our intentions until a very late period encouraged both parties to commit themselves so deeply in the controversy that neither could withdraw, and war was the unhappy consequence. With this experience before me, I feel most anxious that we should have a clear understanding what policy Her Majesty's Government intend to pursue; and I must confess that after carefully looking through the papers I have failed in making out what their policy is. The points on which I wish for some explanation from the Government are, first, what is their expectation with regard to the communication which



they have made to Russia—what ground have they for believing that those communications, and especially the last, are likely to lead to any practical result? To those who know no more than can be collected from the papers before us, it does appear extremely difficult to make out in what manner the proposals which have been made to Russia are likely to lead to any satisfactory result. I wish to hear from Her Majesty's Government some explanation of the grounds which lead them to believe that Russia is likely to agree to their proposals, or that it is, indeed, in her power to do so. On a former evening the noble Earl opposite (the Earl of Ellenborough) pointed out the difficulties there were in regard to an armistice. He asked—and I have never yet heard the question answered—with whom is the armistice to be made; how are its conditions to be settled; and within what limits is it to be confined? As he truly observed, an armistice requires that there shall be contracting parties, and that there shall be limits fixed within which it shall prevail. Even if Russia were disposed to consent to an armistice, what steps would she take for the purpose? The Russian Government may be perfectly willing to say, "If we are not attacked, we shall be ready to allow things to take their usual course; we are practically in possession of the whole territory. There is no portion of that territory in which there exists a force capable of maintaining itself against a Russian force." We cannot expect Russia to say, "If persons in arms in any part of Poland attack our authority where it is actually established, we will abstain from resisting them." On the other hand, I do not understand how the insurgents, on their side, are to say, "We will abstain from making those attacks;" because, if they do, it is practically giving up the insurrection. As the noble Earl opposite very justly observed, an insurrection is not a thing which can be carried on in this manner; if it is suspended, it may become extremely difficult to resume it. Again, with regard to an amnesty, I always believed that an amnesty was a measure which followed pacification, not that it preceded it. How is it possible to grant an amnesty until a pacification is attained? Then, with regard to the establishment of free institutions and an administration vested in the hands of the natives of Poland, I think we ought to know from the Government what ground they have for believing that the Poles are prepared to concur in such an arrangement.

*Earl Grey*

I need hardly remind you that free institutions and a national administration are only practicable provided you have the co-operation of the governed. If they are determinedly opposed to the Sovereign, such a system cannot work, even for a single day. Therefore, before these national institutions can be granted, the Poles must be ready to accept them. All that the public know upon the subject at present is that the Poles utterly repudiate the acceptance of a National Government under Russian authority within the limits of the Kingdom of Poland, as defined by the Treaty of Vienna. They ask for something much more. They ask for the old limits of Poland and complete independence. While the Poles decline to accept national institutions on the terms on which we ask for them, and on which alone we have a right to ask for them, I cannot understand what advantage is likely to result from pressing them upon Russia. Then, again, I would wish to ask whether the Government have sufficiently considered whether experience leads to the conclusion that the interference of third parties between a Sovereign and his subjects, when there are differences between them, is likely to lead to useful results? My own opinion is that useful results only follow when third parties interfere by the strong hand—determined to enforce on both sides the adoption of some middle course. If they interfere merely by advice, it generally happens that such an interference, however well meant, has the same fate as that which proverbially follows interference between man and wife. Concessions which, if offered spontaneously by the Sovereign, would be received with gratitude, when only granted at the instance of some foreign Government are generally received without any gratitude at all, and are used merely as the means of obtaining something more; while, if they are rejected, the fact of their having been pressed upon the Sovereign by a foreign Government increases the dissatisfaction and discontent. Not being able to see, as far as the papers before us contain any information, in what manner the propositions which have been made to Russia are likely to be attended with advantage, I think it is most essential that the Government should explain their views in making them, and what result they expect will follow. I hold it to be beyond doubt, that in cases of this kind, if diplomatic interference does no good, it must do mischief. It certainly must do this mischief—it must encourage hopes on the

part of the insurgents which, if they are not to be fulfilled, it is cruel to them to hold out. Your Lordships will have observed in the papers that Colonel Stanton three months ago reported to Her Majesty's Government that diplomatic intervention did encourage the hopes of the insurgents, and that their determination to continue the unequal contest might be in part attributed to their expectation that diplomatic intervention would in the end be followed by stronger measures; and therefore that by maintaining themselves for a certain time they had much to hope from foreign countries. If this insurrection is not to succeed, if the Poles are in the end to submit to the overwhelming power of Russia, every man of humanity must desire that the contest should not be unnecessarily prolonged. I dare say most of your Lordships have read a very interesting account of the last attempt at an invasion of Vollandia, which appeared in *The Times* from its private correspondent. Can anybody wish that such purposeless bloodshed as is there described should be continued? And is there not a grave responsibility incurred by any nation or individuals who act in such a manner as to encourage the continuance of such utterly fruitless contests? There are other dangers connected with this diplomatic intervention. If it goes on, we must look to what the possible result may be. What would happen suppose Russia should send a decisive refusal to comply with your propositions? I do not anticipate that such a refusal will come, for it seems to me, from all we can learn from the usual sources of information, that her returning such an answer is unlikely. But, suppose Russia should positively refuse to agree to your proposals—are we to accept that refusal and to take that rebuff without doing anything more? Can we do that without serious injury to our reputation and to our position in Europe? If we send a rejoinder, if we press our demands with greater instance than ever, are we not taking a very serious step in that course which necessarily leads directly to a rupture of diplomatic relations? Suppose Russia abstains from any direct refusal, and professes her readiness to meet our views, and asks us to join with her in considering what practical measures could be adopted. If that is her answer, in what serious difficulties should we not be involved? We should then have imposed on us the responsibility of suggesting practical measures for the settlement

of this question. Upon the bases which you have laid down, are there any practicable measures by which a settlement can be arrived at? My Lords, I think there is every reason to believe that even in 1815 the system laid down with respect to Poland was not a practicable one. In 1815 Russia was required to give a constitutional government to Poland. Is there any strong reason to believe that even at that time we imposed upon Russia a task which it was possible for her to perform? But now after half a century of struggle—of mutual wrong on both sides—of turbulence on the part of Poland, and of repression, not to say tyranny—but I am afraid I must call it tyranny—on the part of Russia—after half a century of such proceedings on both sides, is it possible to arrive at a practical settlement upon the bases which my noble Friend has laid down? But if not, and if still we enter into negotiations on these bases, what will be the result? We shall get into interminable discussion; we shall have all the jargon of diplomacy again resorted to; but we shall waste our time without any practicable advantage, and the struggle will be renewed between the parties unless, in the mean time, Poland shall have been subjugated by Russia. My Lords, will not such fruitless negotiations gradually assume the tone of hostility? There will be more and more acrimony on both sides, till, at last, both parties arrive at that state of mind when all peaceable negotiation must come to an end. And, remember that it is not the Governments alone that are concerned in the matter—if it were only the Governments, my apprehensions would not be so great; but I am persuaded that in this country, if the people are taught by Her Majesty's Ministers and by Parliament to believe they have a right to demand a different treatment of Poland by Russia, and to press that right by negotiations which gradually become more angry—if they are taught to believe this, and that these negotiations go on for weeks and months with no practical advantage arising to the Poles, the inevitable result will be that passions will be excited in the public mind which no Minister will be able to restrain, and which will force England into a war. The same may be said of France. Your Lordships will remember that significant observations have already appeared in a French newspaper, which is said to receive official inspiration. That journal has stated that no vague answer from Russia will do—that her reply must

bear practical fruits, or, if not, France and Europe will not be contented. We must remember, too, that in Russia also this subject excites deep interest among the whole population. Your Lordships may have observed in the papers on your Lordships' table that Lord Napier, some time ago, reported that this question of Poland touched all the national and religious feeling of the Russian people. He says that the first symptom of this patriotic feeling was manifested by the nobles at St. Petersburg, who expressed in very strong language their willingness to come forward in support of the Emperor. Lord Napier informs us that a meeting took place, and that at that meeting a strong determination was expressed by those assembled to come forward with their lives in support of the Czar and their religion, on condition—I am not, of course, quoting the exact words—that no concessions were made to Poland. That is a most significant statement of Lord Napier. It was made two or three months ago, and he adds that the example which has been set at St. Petersburg will be followed in the rest of the empire, and that the people will everywhere come forward to support the honour of Russia. He says also, speaking of the time at which he writes, that recruits in the Russian provinces are coming forward with unusual alacrity, and consider that they are going to a holy war. I have seen private accounts of a much more recent date, and they confirm Lord Napier's statements. In one of them it is stated that the same national feeling as that which the Russians exhibited in 1812, and which led them to support their Government with such ardour against foreign aggression, and to make such sacrifices as they did at that period, is showing itself at the present moment. I think, my Lords, that is a very grave symptom; and it is not unnatural that I should feel desirous to know from my noble Friend what is the course which Her Majesty's Government intend to pursue. I could understand the despatches which have been sent to Russia, and the propositions which have been made, if you intended them to lead to a quarrel—if you meant to make out a case of war against Russia under the Treaty of Vienna. I could perfectly understand them if that were your object, though the Treaty of Vienna confers no right on this country to interfere except with respect to the arrangements made at the time that treaty was drawn up. But if that is not the intention—and I am convinced it is not the

*Earl Grey*

intention—of my noble Friend, then I think this House ought to have explained to it the grounds on which the Government are taking a course which seems so likely to lead to that result. Let it not be supposed because I hold this language that I am more indifferent than any other Member of your Lordships' House to the present state of Poland. I have seen with the same indignation as your Lordships the measures which ultimately produced the revolt; I have observed with as much horror the frightful bloodshed which is now going on; but, at the same time, my Lords, I think a great nation like ours ought not to act on mere impulse. We are bound to consider what we can do and what we ought to do. I do not believe it is the duty of this nation to set up as a general redresser of grievances all over the world, nor that we can undertake the mission of setting right everything we see going wrong in any of the States of Europe. We have acted—I think most wisely acted—on this principle with regard to America. We have there seen with the greatest sorrow and with the greatest surprise a most bloody and what appears to us a most purposeless civil war going on for two years; but Her Majesty's Government have thought—I believe with the almost unanimous assent of the nation—that it would only make matters worse to interfere, and that therefore things ought to be left to themselves. I cannot but think the same is the case with regard to Poland. When I look to the extreme difficulty of interference—to the calamities which a war between this country and Russia would bring on the world—to the almost positive certainty that the flame of war once kindled in Russia would spread all over Europe—to the sacrifices which would be imposed on the people of this and other countries, and the extreme uncertainty whether a successful war would lead to any permanently good result—to the question whether Poland would be able to organize a stable or really independent Government, capable of conducting the affairs of that country in such a manner as to preserve peace and order—when I look to the extreme doubt which must be entertained on that head, and the certainty, on the other hand, of great suffering and bloodshed in attempting to bring about by force any settlement of this question, and to impose some new arrangement on Russia, I do most cordially concur in the opinion of my noble Friend the Secretary for Foreign Affairs that this is not a case for armed intervention. But

if it is not a case for armed intervention, I do hope Her Majesty's Government will not, by interference of another kind, aggravate the evil which they would gladly put an end to. It is on these points I am most anxious to obtain information from Her Majesty's Government, and with that object I beg to move, That an humble Address be presented to Her Majesty for, Copies of any further Papers with regard to Poland.

EARL RUSSELL: My Lords, I have no fault to find with my noble Friend either for bringing forward this question or for the tone and temper with which he has addressed your Lordships. If I had asked him to postpone this question, it could only have been on the ground that an answer had not been received from Russia; and if I had asked him to postpone the question, on that ground, I should no doubt have had to ask him to postpone it again, because this is a question on which Her Majesty's Government are not acting alone, and I should not have been entitled and should not have ventured to give an answer as to the effect of the Russian reply to Her Majesty's Government without further communication with the allies with whom we are acting. Such a postponement would have brought your Lordships to nearly the end of the Session, when it would have been hopeless to have had any sufficient attendance on a subject so important. Therefore, I say that I have no fault to find with my noble Friend for now bringing forward this question; and still less could I find fault with him for the tone and temper with which he has addressed your Lordships. His remarks have been made with the hope of preserving the peace of Europe, and at the same time they have been made with the moderation and the fairness which becomes a Member of your Lordships' House, and which becomes the high character of my noble Friend. With regard to the question itself, I confess that I do not agree in the views of my noble Friend. But there are others whose views upon the subject are entitled to attention, and I propose to deal with their views before coming to those of my noble Friend. Although my noble Friend agrees with me that this is not a case for armed intervention, and that armed intervention would be more likely to produce fresh calamities than to put an end to those which now exist, there are many who think that armed intervention should take place, and that the cause of Poland is one of such long-suffering and grievous persecution, and

that the success of Russia would be so injurious to the fair settlement of Europe, that we ought to be prepared to use arms, or, at all events, to use our fleet for the purpose of menace and intervention. Now, my Lords, when a country has to defend its honour or to stand up in behalf of its independence, one can understand that there should be no previous calculation of chances and consequences, for the very existence of a nation may then be at stake. But when a country is called upon to interfere—first for the sake of humanity, and next for the purpose of re-arranging or redressing the balance of power in Europe—it would then become those who propose to undertake such a war to consider, with great deliberation and with the utmost gravity, its chances and its prospects. At all events, if force is to be used—if money is to be spent and life sacrificed—there should be some clear expectation that an adequate result will be secured in return for the cost and the sacrifice. Now, with regard to the Polish question, directly you begin to examine it there appears to be every difficulty in the way of, and almost every objection which can possibly exist against, a war of that kind. When you are told that a war on behalf of Poland would be justifiable, the question arises, what is Poland? There is a Poland of the Treaty of Vienna, well defined, in regard to which the Powers of Europe have certain rights of interference or remonstrance. But that is not the Poland which is looked to by those who are urging a war on its behalf. So far is this from being so, that from the very beginning of this agitation, when Count Zamoyski made his representations to the Emperor of Russia, the claim has been that the ancient Kingdom of Poland should be restored, and that that kingdom should consist of the various countries and provinces in which any great number of Poles are to be found. I say "any great number of Poles," because there are some of these provinces claimed by Poles in which the Poles are clearly not in a majority. Then, if we look at the matter historically, we find that the Poles who have been rising in insurrection, or who say they have been driven into insurrection, are not confined even to those provinces which belonged to Poland in 1772 at the time of the first partition. As your Lordships are aware, attempts at insurrection have been made in Ukraine, which was yielded by John Sobieski some time in 1720. Now, is this country, is France, is Austria, to under-

take a war in behalf this indeterminate Poland? You may say, "Here is a homogeneous race which in a particular part of Europe goes to form the kingdom of Poland." But are you to interfere in behalf of the minority where the Poles form only a minority? Are you to say that they shall predominate there over the other part of the population, and to make war that they shall predominate? Then, again, what is the Government on behalf of which you would fight? It is an invisible Government, having no assured existence, no dwelling place, no council with whom you can properly treat. Moreover, what would be the kind of Government which they would establish if you succeeded in interfering in their favour? Would it be the regular and legal authority of a constitutional monarchy? If it was not a monarchy, and if the democratic party in Poland should get the upper hand, are those who intervene in their favour to assist in establishing the democracy? These three monarchies—England, France, and Austria—might well hesitate in so doing. And then the result would be that those in behalf of whom you interfered would immediately turn round upon you and say that your oppression was worse than the Russian oppression, and that your endeavour was to fix upon them a Government which they detest more than the viceroyalty of the Grand Duke Constantine. Many of the Poles themselves have this feeling, and say, "Whatever may be done, let us have no armed intervention; because we know that armed intervention leads to a protectorate, and a protectorate implies interference in all our internal and domestic concerns; therefore, for God's sake, whatever you do, don't give us armed intervention, or establish a protectorate in Poland." But, if even there was not in Poland a Government of which you disapproved, who can say that you would not establish there—surrounded by Russia, by Austria, and Prussia—a focus of disorder, a regular school of agitation with respect to every neighbouring country, so that, instead of a blessing, you would be inflicting a curse upon Europe? I need not proceed further upon this subject, and I do not mention this because there is any considerable party for armed interference; but I say it rather in the prospect of the state of things which my noble Friend apprehends. He apprehends, certainly more than I do, that the time will come when diplomatic correspondence may lead to a demand for war against Russia. I say, that if ever that subject

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came to be considered, all these circumstances must be fully deliberated upon, and the Government must have a clear object before they can venture to come down to Parliament and propose a war against Russia on behalf of the Poles. I now come to the general view of my noble Friend, and I think he will not deny that the gist of his whole speech is that we should do nothing. My noble Friend spoke of examples; but the only example which he quoted was that of the negotiations with Russia which led to, or rather preceded, the Crimean war. Now, in the case of almost every European war there have been previous diplomatic negotiations. One of the most recent cases was the rupture of the Peace of Amiens. A long correspondence took place before that rupture; and I repeat that in almost every case in which war has been undertaken there have been long negotiations, with the hope that war might be averted. So that to say that there were negotiations before the Crimean war, and therefore that negotiation must lead to war, is not a very conclusive argument, nor ought it, I think, to influence your Lordships upon this subject. My noble Friend talks of his plan of doing nothing, and of not entering into correspondence upon this subject, as if that course of policy were certain to insure peace. Now, let my noble Friend consider what took place just seventy years ago upon this question of peace and war. In February 1792 Mr. Pitt, who, I believe was sincerely desirous of peace, said, it was impossible that any man should have the foresight to predict with certainty that this country would have fifteen years of peace; but that looking at the state of Europe, he had never heard of or known the time in which the prospect of fifteen years of peace was more favourable than it was at that time, in February 1792. Now, mark! The French Revolution had then run a great part of its course, and many of the powers of Europe had determined to invade France. Much later in the year Lord Grenville, writing to his brother, gave his views of what was the state of Europe—

"I bless God that we had the wit to keep ourselves out of the glorious enterprise of the combined armies, and that we were not tempted by the hope of sharing the spoils in the division of France, nor by the prospect of crushing all democratical principles all over the world with one blow."—Nov. 7, 1792.

Lord Grenville goes on in this letter to describe what different countries were doing, and he ends by saying, "Other countries may do what they please, we shall do no—

thing." That is the very policy which my noble Friend now recommends. In November 1792, Lord Grenville mentioned the course of doing nothing as being likely to maintain the peace of Europe. Lord Grenville was a statesman whose authority was much respected—he had it sincerely at heart to maintain the peace of the world, yet he found himself obliged within three months to recommend to Parliament a war that continued for twenty years—a war, the burden of which we are still paying, and which is double the amount of the present income tax—a war during which rivers of blood flowed and millions of treasure were spent. I am not, however, going to advance the opinion that that was a case in which, if there had been an interference a little sooner—or if Mr. Pitt had told the Powers of Europe that he would not interfere with the internal concerns of France—I do not say we should have had peace, though that is my opinion; but this I do say, that the policy of doing nothing and of not interfering does not always save you from war, for it did not save you from the bloodiest and most expensive war that this country ever had. My noble Friend says, that if you go on negotiating, passions will be excited which it will be impossible for you afterwards to restrain. Were there not in that case passions excited that no man was able to restrain? Lord Macaulay compares Mr. Pitt, during the war with France, to the tall man in the crowd who appeared to control its movements, but who was really pushed on by the immense mass of people behind him. If, however, there is danger that if negotiations go on passions may be excited, is that the only danger? Do not tell me that doing nothing will prevent passions from being excited. On the contrary, I believe that would be the very way in which passions would be excited. What has happened? There has been a Russian party, of which Lord Durham told us, in 1831, that it professed the most violent hatred to the Polish nation. Suppose England declared that she would not take a part in the dispute, that she would not whisper a word in behalf of the Poles, or against the atrocities that might be committed by the Russians—that Russian party would probably overbear the Russian Government and the Russian Emperor, and they would say, "We have nothing to do with the Poles but to exterminate them." France would probably not bear that; I do not believe that Austria would bear it. But that Russian party might go on; then

it would be found that a war with France and Austria could not be averted—a war, moreover, in which the whole of Europe might be forced to take a part. Passions would then be excited. It would be said, let not England play so inhuman and dastardly a part as to stand aloof; and therefore we should at last find ourselves obliged to take part with the other nations of Europe. Observing what great statesmen of this country have done, I have no confidence in this policy of doing nothing; nor can I imagine that a great country like this can separate itself from all the affairs of the world, and say, "Let not our voice be heard or our influence prevail. We must look only to ourselves, and take no part in the politics of the world." We had a great Minister in Sir Robert Walpole, who was peculiarly a Minister of peace. He was continually using the influence of England in the quarrels of France, Germany, and other parts of Europe. He sent a fleet of several sail of the line to Lisbon to secure peace; and he did secure peace, not by being indifferent to what was going on in Europe, for he was constantly using the influence of England. There is, then, according to my noble Friend, the alternative of making war with Russia or doing nothing. I believe that both courses would, in the present case, be inexpedient for Poland. What we have been doing is this:—We have entered into communication with France, which has always shown great sympathy with Poland, and has always been ready to use her influence on behalf of the Poles. We have consulted Austria. The Government of Austria is a wise Government, and I, for my part, rejoice to see that Austria is resuming that power and greatness which she has long preserved in the Councils of Europe. I shall be happy to see her finances restored, to see the discords that have lately prevailed in Austria and her various provinces much abated, to see that she is prepared with a renovated Government in which the voice of the people may find expression in a free Parliament, and to see that Austria is ready to take that high part—and, I believe, it will be a still higher and greater part than she has ever yet taken—in the Councils of Europe. I rejoice unfeignedly in that prospect. The opinions of Austria do not agree with the opinions of Russia or of Prussia with reference to Poland. But it is the opinion of Austria that her Polish subjects ought to be governed with as much attention as possible to their natural distinctions of

race, their religious observances, and to their customs, habits, and feelings. The result has been, that when the National Parliament met, although some questions were put by Polish Members as to the policy pursued by the Government, and though they made the Address somewhat stronger in some passages, yet the leaders of the Galician and other Polish provinces were, on the whole, satisfied with the Austrian Government, and with the policy which that Government is pursuing in Austrian Poland. When, then, I am told that any self-government is impracticable, I ask why the Russian Government cannot show the same temper, wisdom, and moderation as that of Austria? Why is the Russian Government constantly attempting to suppress the language and change the religion of its Polish subjects? Why do they not indulge the feelings and wishes of Polish subjects? It is, therefore in union with France and Austria that we have made our propositions to Russia; and my noble Friend was therefore mistaken in saying that our interference is like an interference between the Northern and Southern States of America. The North and South have been long fiercely engaged in civil war; but neither to one or the other is England at all pledged or engaged to pursue any particular course of policy. Whereas, in regard to Poland, it is not only on questions of internal government that we have a right to interfere; Russia, having acquired Poland by treaty in 1815, bound herself to certain conditions on behalf of Poland, to which all the Powers of Europe were parties and witnesses, and which they are almost pledged to maintain. Therefore, I say that this is not a case in which it is our duty to be silent, to show complete apathy, and to wash our hands of all concern in the government of Poland. Austria was anxious to propose certain terms; but they were such as, in the opinion of other statesmen, the Russian Government could not well accept. Austria is most desirous of preserving the peace of Europe; but she is most desirous at the same time that the Poles under Russian sway may be contented, and have the rights and advantages which were secured to them by treaty. Combining, therefore, these two things—the interests of peace on the one hand, and the interests of the Polish race on the other—Austria was a party to the proposals that have been made. My noble Friend says there is no Government in Poland with which Russia can make an

armistice. But so far as an armistice or a suspension of hostilities is concerned, it can be made without any regular agreement by an understanding on both sides. Suppose you have an army in China, and it is desirable for any reason to have an armistice. The leaders of the two armies would not refer this matter to their respective Governments. The leaders of the two armies would enter into a suspension of hostilities with a view to the conclusion of peace; and so this might be done, if it were not that there is, I am afraid, on the part of the Russian Government, and also on the part of the Poles themselves, a disposition to make terms and conditions as to such an armistice which the other party would not be willing to accept. In the first place, the Russian Government say that they cannot treat with the Poles as if they were a regular body—that they are nothing but a rabble. The Poles, on the other hand, if they agreed to a suspension of arms, would expect that some person representing them should be recognised and received in the conferences of the European Powers. It is clear, that when such are the views of the two sides, an armistice is not likely to take place. But there is not the same reason why the other proposals made by the three Powers should lead to no result. The first proposal is that there shall be a complete and general amnesty. That was the first proposition made by Austria to Her Majesty's Government. If there was a complete and general amnesty, it would, I suppose, put an end to all inquiries, trials and punishments for past offences up to the date on which it took effect. That is what it ought to be, and that would, at all events, establish a basis for pacification. I can see no reason why Russia, if she means to have her subjects contented, should not agree to that proposal. Next, we have proposed that there should be a national representation, similar to that which the Emperor Alexander gave to Poland. The Austrian proposal—and this is the only one in regard to which there is any difference—differs from that of France and England. It proposes that there shall be a national representation, participating in the legislation of the country, and possessing efficacious means of control. The third proposal is that Poles shall be appointed to public offices, so as to form a distinctive national administration, inspiring the country with confidence. I do not see why Russia should not agree to those terms. They appear to

me to be, in the first place, in complete agreement with the intentions of the Emperor Alexander I., and, in the next place, to be the only terms upon which a lasting peace can be established between the Russian Government and the people of Poland. All that we have seen from 1815 to the present time tends to show that the Russian Government, acting by the Russian laws and Russian agents, and holding at naught the religion and the language of the people, can never secure permanent peace in Poland. Well, then, why not attempt another mode? We are bound, I think, according to our view of the Treaty of Vienna, to suppose that Russia is to govern Poland; but has she governed it according to the wishes and according to the nature of the people of that country? My noble Friend thinks that that could not be; and then he asks—which is, no doubt, applicable to all these propositions—"Are the Poles ready to accept them?" That, no doubt, is a question; but it would be impossible for us to propose terms other than those which suppose that the Russian Government is to prevail in Poland. When it is said that the Poles will not accept these terms, that word "Poles" which describes 4,000,000 or 5,000,000 of people in Poland, cannot be applied to every party who is to be found in Poland at the present time. There are the leaders of the insurrection, who have hopes of its success, and who, of course, would not agree to the terms; but there are others, who might say in the words which Livy has put into the mouth of Hannibal—*Mellior et tutior pax certa quam sperata victoria*. For some months the Poles have been endeavouring to establish an independent government. They have weakened, impaired, and almost destroyed the regular action of the Russian Government in Poland; but they have not a single town, they have no Government that they can avow, they have not any regular army which can hold the field against the Russian forces; and many of them would, I should think, be inclined to say, "If we can obtain tolerable terms from Russia, if we can obtain an amnesty, if we can obtain free institutions and the use of our own language in our courts of justice, it is better that the authority of Russia should be restored than that we should go on with a contest which appears to us not likely to result in success." No doubt there will be men who will say, "We can conquer in this war," and who would be ready to listen to the advice of the noble

Earl, who spoke upon this subject with great eloquence—"We will go on fighting, and we hope to succeed." Looking to the past history of Poland, looking to the force by which the partition of Poland was originally effected—looking to what has been done since 1815 by the Russian Government, I certainly cannot blame any Poles who with the least glimmer of hope continue in the field with the expectation of gaining their independence. But, not blaming them, I say that we can neither assist them in arms, nor can we propose the independence of Poland to the Russian Government. It is only in case—a case which is far from improbable—of there being a considerable majority of the nation which is willing to accept fair terms that these six propositions could be of use. In that case they would be of service to the Poles. They would be a sort of charter to the Polish nation. If the Emperor of Russia were to accept them, they would be a sort of engagement on his part that he would for the future govern Poland on certain bases. It would be his interest to adhere to these terms, because they would give him the best chance of preserving peace in Poland, and preventing that country from being a source of weakness to his empire. It is likely that he would observe them, because any notorious violation of them, any attempt to exterminate the Poles in the Kingdom of Poland, or to destroy their religion and their nationality, must excite the opposition of Europe—an opposition not confined to England, France, and Austria, but combining all the Powers which signed the Treaty of Vienna, and also other Powers which feel the wrong of endeavouring to exterminate that brave and gallant nation. My noble Friend says that any such interference must do mischief. Is he borne out by experience? We know that in 1831, when not much was done, Lord Heytesbury wrote to Lord Palmerston, and said—

"Although your terms have not been accepted, do not imagine for a moment that your representations have been without influence. In those provinces of Russia which are inhabited by Poles most severe punishments have been inflicted. Not a man of the least distinction who was caught in the ranks of the insurrection has escaped without many years of imprisonment or banishment to Siberia; but in the Kingdom of Poland, with the exception of those officers who had violated their oaths, hardly any have been subjected to severe punishment."

That is the testimony of Lord Heytesbury with regard to what occurred then, and my



opinion is that that experience applies to the present case, and that so far from doing mischief, if anything is obtained for the Poles, it will be obtained by the three great Powers of Europe representing to the Emperor of Russia what justice and fairness and the good faith of treaties demand. Far be it from me to predict what may be the effect of the answer of the Emperor of Russia, or what course, after having received that answer, we may think it our duty to pursue. Everything depends not only on the terms, but the tone of that answer, and on the proofs of sincerity which the Imperial Government may give. There are, I must own, some unfavourable symptoms—more especially the appointment of General Mouravieff as Governor of Lithuania, and the decrees issued by that General, which I have read to-day, ordering the Polish landowners to reside on their estates in order to give help to the Russians, and then exposing them to have their estates devastated by the peasantry, or distributed among that peasantry, if they do not betray the Poles who are in insurrection, and with whom they must have sympathy, although they have not themselves risen. The appointment of such a man as General Mouravieff, and the issue of these decrees, are not favourable to the hopes we may entertain that the Emperor of Russia and his Ministers will act a liberal and merciful part towards Poland; but still I think that it was our duty to make these propositions, and I believe that with regard to the kingdom those proposals will have great effect in keeping up the nationality of Poland. No man expects—Lord Castlereagh did not expect in 1815—that the Poles would ever lose the hope of establishing their national independence. That hope will still cling to them, as it has clung to them for nearly one hundred years, and no doubt if they are tranquil subjects of the Emperor of Russia their national independence will in time be conceded. But if we are so far successful as to prevent this war of extermination from going on; if we are so far successful, in conjunction with France and Austria, as to restore to the Poles a form of Government that at least shall be moderate and just, that shall preserve not only in the homes of Poland, but in her municipal councils and in her national assemblies, that spirit of the Polish people which I believe will never die—which I hope will never die—if we are so far successful, then our diplomacy, I con-

*Earl Russell*

tend, will not have been exerted in vain, and for my part I shall never be ashamed of having taken part in such negotiations.

LORD BROUGHAM said, he had great doubts whether his noble Friend who had just spoken, or the noble Earl who preceded him, had fully and adequately stated the position in which we stood in reference to the question under discussion. His noble Friend had referred to the declaration made by Mr. Pitt and Lord Grenville in 1792; but the situation which he now occupied was entirely different, making the avowal which he did with respect to the impossibility of having recourse to armed intervention—an avowal made, be it borne in mind, at the very moment when the Russian Government was deciding what answer it should give to the six propositions. [EARL RUSSELL: It has decided. The despatch will be sent out from St. Petersburg to-morrow.] The noble Earl proceeds on the assumption that the despatch will be sent from St. Petersburg to-morrow; but it should not be forgotten that what was taking place in the House that evening would, in all probability, reach St. Petersburg before the despatch had left; for the Russian Government, no doubt, had notice for the last fortnight that the debate in which their Lordships were engaged was coming on, and would not unnaturally delay the reply until they received an account of what had occurred to-night. It would then go out to St. Petersburg that, come what might, armed intervention was out of the question; and that, he could not help thinking, was an announcement which was likely to have a vital effect, not only on the tone and manner, but on the substance of the Russian answer. At the same time, he quite concurred with his noble Friend in the opinion that armed intervention was entirely to be deprecated; nor would it be supposed that he took that view from any coldness towards the Polish cause. His association with that cause dated back for half a century—to the time when, with his late lamented friend, Prince Czartoryski, he stood forward in its support at a critical moment. At that time he had no seat in Parliament and could not therefore plead the cause of the Poles therein; but, in concert with that distinguished man, he had communicated his opinions on the subject under the title of *An Appeal for Poland*—an appeal which he had good reason to suppose had some effect on those to whom it was addressed. It was an appeal, not for armed interven-

tion, but one to the Allies, by means of which he hoped to gain his point—the independence of Poland. But to revert to the position of the country at the present day, he must observe with respect to the armistice which had been talked of, that however much noble Lords might desire that it should take place, it was hardly to be expected, inasmuch as it would put a stop to the whole proceedings of Russia, and give the Poles a decided advantage. Who, he might add, was to be the negotiator in the matter for the Poles, or who was to give the requisite guarantee?—a difficulty which applied not only to an armistice, but which belonged to the whole of the negotiations connected with the existing struggle. As for this country, we were not in a position to undertake offensive operations. We were, indeed, bound to pay the uttermost attention to our defensive preparations, and he confessed he had heard with astonishment and regret that in some most highly respectable quarters objection was taken to the expenditure as a needless expenditure because they said there was not the least danger of our being attacked. When a man insured his house against fire, he did not necessarily imagine that a fire must take place. He simply took reasonable precautions against the result of neglect on his own part or that of his neighbour, and thus stood the case with respect to our system of national defence.

THE EARL OF DERBY: I confess, my Lords, that I seldom hear this subject of Poland broached without reluctance, and, for my own part, I have seldom or never taken any part in the debates. I now approach the subject with reluctance, because our judgment and our feelings are apt to be brought into painful conflict. It is impossible not to feel the deepest sympathy and the warmest admiration for the continued struggle of a brave and generous people, suffering under a painful sense of their own denationalization—if I may use the word—and under a feeling of oppression from the Government under which they have been placed. It is impossible not to admire the firmness, the perseverance, and the deathless courage with which, against forces incalculably superior, they have sustained for so many years what they believe to be the cause of their nation. And, on the other hand, I never approach a debate upon the subject of Poland without thinking and fearing that language used in this House and elsewhere may do much

more injury to that gallant people than it can do good—that it may raise expectations of external assistance, that it may lead the Poles to believe in intervention armed or unarmed, that it may lead to the hope of active interference to obtain that which is their dream—the restoration of their nationality; and that the hopes and expectations so raised may lead to the continuance of a hopeless struggle, only to plunge them into deeper mortification and deeper despondency when they find that those hopes and expectations have—and can have—no possible foundation. My Lords, I confess I was somewhat surprised at the willingness which the noble Earl (Earl Russell) expressed to enter upon this discussion at this moment; because it does not appear to me the most opportune moment for discussing the vain question of the propositions which have been submitted to the Russian Government when we are expecting the answer of that Government, and when it is possible that the language used here may affect that answer either in one way or the other. On the one hand, the Russian Government may be justly irritated if any language is used in this House holding forth the intervention of England by armed force, and so with the conjunction of her allies to force on Russia a policy of which she may not approve; and, on the other, they may be led to treat with less consideration the proposals of the Government than they would otherwise do if they have a declaration that under no circumstances will this country go beyond diplomatic representations. Whatever disinclination, however, I may have felt to express such an opinion, it has been entirely removed by the very clear and explicit declaration of Her Majesty's Government, that, whatever may be the answer of the Russian Government, Poland must not expect any armed interference on the part of this country for the re-establishment of her liberties. I say, that if Her Majesty's Government think it consistent with their duty to make that statement in the present state of affairs, I can have no hesitation in declaring my entire concurrence in that declaration, and my conviction, moreover, that it is the deliberate determination of this country that they will not willingly and knowingly be drawn into hostilities for the purpose of maintaining the liberties of Poland. That being the case, I confess I have some apprehension as to the possible consequences of the course which Her Majesty's Government

have adopted. The noble Earl the Secretary for Foreign Affairs sees before him clearly the difficulties which surround an attempt at negotiation; and what I apprehend, and what the noble Earl who commenced the discussion (Earl Grey) apprehends is, that although this country, and although Her Majesty's Government may be determined not to be drawn into a war as a consequence of their representation, yet that gradually the effect of diplomatic negotiations may be such as to bring about disagreements, difficulties, and complications which, in spite of us, as in the case of the Crimean war, may, sooner or later, end in hostilities. It is a question whether this country may be dragged into a war, not for the sake of Poland, but into a war against Poland. If we impose certain conditions on Russia and Poland—if we find those conditions impracticable—if we find that Russia has acceded to those conditions, but that the arms placed in the hands of the Poles are used against Russia and for the destruction of Russian power, Russia will have the right to come and say, "You compelled me to make these promises, and you compelled me to adhere to them. I have adhered to them, and am now suffering from following your advice." I do not say that we shall have to give our active support to Russia in going to war against Poland—that may be too extravagant a supposition—but we shall be bound in such a case to throw into the hands of Russia the whole of our moral influence and the whole of our moral support. But the danger that suggests itself is this:—When the Government agreed to submit to the consideration of Russia these six propositions, did they come to any understanding with their allies as to what course to pursue in reference either to their acceptance or their rejection?—because it is most important that you should not take one step without being well aware what will be the consequences of that step. It is in that manner that we are drawn into complications. It is in that manner that we are drawn into war. It may be that Austria, France, and England are perfectly agreed upon the next step in the event of rejection. If that be so, I have not a word to say. But if there be no such agreement—if it be left to each separate negotiation to settle what shall be the next step when the answer is received, then I think that the Government have entered upon an improvident course, and that it is impossible to foresee what European complications

*The Earl of Derby*

may not arise out of it. For this reason I think it is more to be regretted that the noble Earl should have taken a course in framing his proposals quite different from that of either France or Austria, and that he should have based his demands upon the obligations of the Treaty of 1814. If the noble Earl had said, as France and Austria have said, that it is a matter of European interest—that it is a matter in the interest of Russia herself—that this bloody and devastating insurrection should be put an end to, and that they have united to consider some mode of putting an end to it and finding a remedy for these grievances, I could understand that language, and that, whether the advice were accepted or rejected, it would not lead to any ultimate consequences. But when he appeals on the ground that he has the right to demand the fulfilment of treaty obligations, if he is met by a refusal on the part of Russia to accede to that demand, he is placed in a position not creditable to a first-rate Power. You make a demand, you meet with a refusal, and you are obliged to accept the rebuff that is given you. I therefore regret that the noble Earl should have founded his requisitions upon the obligations of the Treaty of 1814—with regard to which treaty it cannot be denied that many other important provisions have been violated, not only without any step on the part of this country, but almost without protest. I do not say whether we can fairly call on Russia to fulfil those obligations, when we have not granted but confirmed to her since that time her dominion over the Kingdom of Poland. I do not hesitate to say that, in my judgment, Russia has not fulfilled the obligations of the treaty and we may fairly call upon her to fulfil them; but what I object to is that it places this country in a position different from the other Powers, and that it makes a refusal by Russia not merely an ungracious act, but an act which very nearly approaches an insult. I will not enter upon a discussion of the six points, as I think it will be inconvenient to do so while the answer of Russia is in abeyance. I am quite aware of the difficulties with which diplomacy is surrounded; but the noble Earl knows not for whom he is acting—he knows not who are his clients. I know whom he wishes to make his clients—the inhabitants of that portion of Polish territory which was handed over to the dominion of Russia by the Treaty of 1814. The noble Earl says that with regard to every-

thing else we have no right to interfere, and that our requisitions must be limited to giving increased liberty to the Poles in the Duchy of Warsaw. But the great body of his clients reject his propositions altogether. They deprecate the subjection of any of their fellow-countrymen to Russia, and they say they will not recede from this terrible revolution until the Polish nation is made entirely independent of Russia. It is not a very promising position for the noble Earl to start with propositions, when the parties whom he wishes to serve are unwilling to be bound by the terms which he offers. The noble Earl has admitted to-night the difficulty, if not impossibility, of an armistice, which were pointed out so forcibly a few nights ago by my noble Friend near me (the Earl of Ellenborough); in short, it is perfectly clear that it is impossible where you have two parties engaged in a sort of partisan or guerilla warfare—on one side regular forces broken up into small fractions, and recently, I believe, broken up into smaller, and on the other side a body of independent partisans acting for themselves, under the control of a Government—for it is a Government—with which you have no communication. The noble Earl himself allows that the Poles would not enjoy the benefits of an armistice unless they refrained from hostilities of every kind. He tells them, that if they will give up the insurrection and take no further steps, no attack will be made on them; that there will be no fighting when they have laid down their arms and there is nobody to fight. But the Poles' hopes are in their arms; and the noble Earl, in his letter, tells them an armistice, which means that they are to lay down their arms, is an absolutely necessary preliminary to all other measures. He goes on to say—

“In an ordinary war the successes of fleets and armies who fight with courage, but without hatred, may be balanced in a negotiation carried on in the midst of hostilities. An island more or less to be transferred, a boundary more or less to be extended, might express the value of the latest victory or conquest. But where the object is to attain civil peace, and to induce men to live under those against whom they have fought with rancour and desperation, the case is different.\* The first thing to be done, therefore, in the opinion of Her Majesty's Government, is to establish a suspension of hostilities.”

That is just the thing which, on the confession of the Government, is utterly impossible; and, the preliminary being gone, away goes, of course, all that was to be built upon it. The noble Earl goes on—

“Tranquillity thus for the moment restored, the next thing is to consult the Powers who signed the Treaty of Vienna. Prussia, Spain, Sweden, and Portugal must be asked to give their opinion as to the best mode of giving effect to a treaty to which they were contracting parties. What Her Majesty's Government propose, therefore, consists in these three propositions:—1. The adoption of the six points enumerated as bases of negotiation. 2. A provisional suspension of arms to be proclaimed by the Emperor of Russia. 3. A Conference of the eight Powers who signed the Treaty of Vienna.”

Having dealt with the armistice—which, on the noble Earl's own showing, is at once an indispensable and an impossible preliminary—the noble Earl comes next to deal with the general amnesty, and he says there can be no difficulty in showing that there might be a general amnesty satisfactory to all parties. That was not the language which the noble Earl used when the Emperor of Russia did proclaim an amnesty. The noble Earl was forward then to say that the Poles were perfectly in the right to take no notice of it; and he informed the Government of Russia, in a despatch, that an amnesty could only take place under two circumstances—first, where one party had obtained a complete preponderance and had suppressed the revolt; and next, when the party amnestied had full confidence in the good faith of the Government.

EARL RUSSELL: I said, certain terms must accompany an amnesty to make it satisfactory.

THE EARL OF DERBY: I think the noble Earl also laid it down that the subjugation of one party must be complete, which certainly was not the case then, and is not now. My Lords, I see equal difficulties in carrying out these negotiations whether Russia accept or refuse these propositions. I do not share in the apprehensions that she will refuse, though she might do so with perfect safety after the declaration of the noble Earl that nothing would induce him to go to war. I anticipate she will profess her perfect readiness to enter into a discussion of these points, which will be referred, of course, to a Conference of the eight Powers. Considerable delay, of course, will take place, difficulties will be raised, suggestions will be made, objections taken, and all this time this desolating war will be going on, and not a single step will have been taken by you except this, that by holding out hopes of diplomatic intervention you have given additional stimulus to efforts which cannot lead to any practical result. I do not dis-

sent from the propositions of the noble Earl taken by themselves, but I object to our entering into any new engagements with Russia, or making ourselves responsible for the performance of obligations which we have imposed, and for the consequences which may result to Russia. Suppose that the consequences should be that the arms which she places in the hands of the Poles should be turned against her, that there should be a state of disloyalty throughout the whole population, that the Polish nationality should be not pro-Polish, but anti-Russian, bound together and determined to contravene all the policy of Russia, you would have placed yourselves in a very embarrassing position, and the consequences might be serious complications for Europe, which less direct interference might have avoided. The noble Earl, speaking of the manner in which this country was led into war in the latter part of last century, and referring to the policy of Mr. Pitt, said, that though we did nothing then, we got into a great war immediately afterwards. But surely the noble Earl does not mean to argue that it was by doing nothing that we got into war? That is an argument, I must confess, much less logical than I should have expected from a great constitutional authority such as the noble Earl. The noble Earl quoted the comparison of Mr. Pitt to the tall man in front of the crowd flattering himself that he is leading them, when, in fact, he is being pushed on from behind. I am very much afraid that the noble Earl is the tall man in this matter. I am afraid, that while in this diplomacy of his he flatters himself that he is leading all Europe, he—the unfortunate tall man—is, in fact, being pushed on by those behind him. If the objects of the noble Earl can be gained with the good will of Russia, and with a studied determination on the part of Russia to act upon them with good faith—if they can be attained to the satisfaction of the Poles, and the suppression of those dangerous dreams of nationality which can only be accomplished at the cost of a European war, I shall be ready to admit that the noble Earl has done good service. But I see great danger in the course on which he has entered. I am afraid that he may do more harm than good; and I should be disposed to regret that this discussion had taken place, except that it has elicited that which I trust will be an effectual answer to the exaggerated hopes which have

been raised—an assurance, that if the object of those dreams—a national and independent Kingdom of Poland—is obtained, it must be obtained not by armed intervention, not by the assistance, not even with the good-will, but contrary to the judgment, the wish and the desire of England, as well as of the other Powers more immediately concerned. I do not complain of the opinions the noble Earl has expressed, or the principles he has laid down, though I look with some apprehension to the course which he has taken.

EARL GRANVILLE: My Lords, Her Majesty's Government have no ground to complain of the discretion with which this debate had been conducted. Natural sympathy has been expressed with a gallant and injured nation; and at the same time the discussion has been marked by a full sense of what is due to the honour and interests of England. But the conduct of the House as a whole, has been somewhat inconsistent on this matter. As soon as the Polish insurrection was announced, eloquent appeals were made to the Government to take their right place by putting themselves at the head of the public opinion of Europe, which inclined so manifestly on the side of Poland. Similar appeals were made in subsequent debates, and we were told of the immense influence we might exercise on the Russian Government by taking this course. Now, however, when the Government have moved, and when they have taken the steps which appeared to them judicious, the two noble Earls who have been the principal speakers this evening have blamed the Government for what they were doing, and tell us that the wisest course was to do absolutely nothing. At times it may be possible for the Government to lead and to check public opinion; but on a matter which they have so deeply at heart I do not believe that the people of England would allow the influence which belongs to this country to be set at naught by their Government, and that no efforts should be made by them to remedy a great and acknowledged evil. I believe it would be perfectly impossible, however desirable it may be held to be, to indulge on all occasions in that *dolce far niente* policy which my noble Friend (Earl Erey) so ably advocated. Well, then, my Lords, I think that the discussion of to-night has, on the whole, been satisfactory to Her Majesty's Government. I think that the principles laid down by my noble Friend (Earl Rus-

sell) have met with general acquiescence from both sides of the House. The noble Earl opposite (the Earl of Derby) certainly made some objections. He said that he was much relieved by the declaration of my noble Friend the Foreign Secretary that it was not the intention of Her Majesty's Government to enter into armed intervention in favour of Poland; but he went so far as to say that the course actually taken by my noble Friend (Earl Russell), with a view to securing the independence of Poland, might have the very contrary effect, and might eventually lead us into a war against Poland. Now, as to the danger of drifting into a war against Poland, in consequence of our remonstrances against the Russian Government, he confessed he was rather surprised to hear such a danger suggested by the noble Earl. He thought it rather too ideal to discuss.

THE EARL OF DERBY: I admit that the expression used was somewhat exaggerated. But what I wished to convey was, that in consequence of the propositions made to the Russian Government by the noble Earl we might ultimately be obliged to throw the whole weight of our influence into the scale against Poland.

EARL GRANVILLE: I do not think that the moral influence of this country can be affected by any such contingency as the noble Earl suggests. The noble Earl also finds fault with my noble Friend (Earl Russell) for having insisted so much on the obligations of the Treaty of 1815. But, my Lords, it appears to me that is really the strongest ground we can take. In relying on the obligations of that treaty we have had the concurrence of Austria; and, in addition, we have had the concurrence of France, which, for certain reasons, is not so strongly in favour of the maintenance of the Treaties of 1815. The whole three Powers have thus been brought to bear in one focus. And it is quite clear the Treaty of Vienna, contracted by Russia as well as by the other European Powers, gives us the right to speak with force on conditions imposed by that treaty. Again, the noble Earl put forward, as one of the hypotheses with which we have to deal, the case of Russia refusing to treat on the bases of our propositions. Now, my Lords, is that possible? Russia, having invited us to interchange opinions on the basis of the Treaty of 1815, can she turn round and say she will not treat at

all? The noble Earl said he wished to know from the Government whether they had come to an understanding with the other Powers as to the course which should be pursued after the answer of Russia was received. I cannot conceive anything more imprudent than it would have been for Her Majesty's Government to enter into an agreement with other Governments as to our future course, while we were in utter ignorance as to what the answer of the Russian Government might be. The course which Her Majesty's Government have taken is, not to anticipate events, but to deal with cases as they arise; and I believe that is the correct policy for the country, whatever Government may be in power. I think the Russian Government will entertain our propositions. They may, at the same time, take a course that may lead to delay. It would therefore be most unwise in us to come to any positive decision in the case until all the facts enabling us to form a proper judgment in the matter are before us. The noble Earl made a great attack on the proposal for what he called an "armistice." There is no such thing as "armistice" in the despatch. It is a suspension of hostilities. I admit that there may be difficulties in the way of such a suspension, but I do not think it is impossible; and if it is possible, then for the sake of humanity it is a thing which ought to be included in the propositions. One noble Lord has expressed an opinion that this proposition is in favour of Russia, and another believes that it is entirely in favour of Poland. If it is really something half-way between those two extremes, I do not think it will be impossible to obtain this suspension of hostilities—for though this is a guerilla warfare, carried on in various parts of the kingdom, we know it is under one general direction, and that if those who direct the Polish movement are so inclined, they can suspend hostilities on their side. At all events, I am sure your Lordships will be of opinion that we were right in endeavouring to bring about what would, at least for a time, terminate those atrocities which are said to be committed on both sides. The noble Earl spoke of the inconsistency of my noble Friend the Foreign Secretary in not attaching to an amnesty which was spoken of on a former occasion the value which, by his proposition, he shows he would attach to an amnesty now. But I am unable to see any inconsistency in the conduct of my noble

Friend in reference to this matter. The amnesty offered by the Emperor was on the condition that the Poles should lay down their arms. There was no other condition. But now there is a comprehensive plan, including a Conference of the Powers, submitted to the Emperor, and an amnesty is proposed as one of the measures which should be adopted by His Majesty; and therefore the circumstances of the two cases are entirely different. In conclusion, my Lords, I will say that I think this debate has been conducted in a manner particularly creditable to this House, and that though different views have been expressed, I do not think anything which has occurred here is likely to add to the difficulties which my noble Friend has in carrying on these delicate negotiations.

THE MARQUESS OF CLANRICARDE was of opinion that the negotiations had originated in an entire mistake. It appeared to him most inexpedient to say that in any event we would not go to war; yet the honour of the country might be so far engaged in the matter as to make it impossible for us to retract. His noble Friend the Secretary for Foreign Affairs had endeavoured to show that a do-nothing policy would be an extremely ruinous one, and could not save us from war. He (the Marquess of Clanricarde) thought such a policy would actually lead us into war. What was the policy of the noble Earl as laid down in his despatch? He wanted, after all that had happened of late years, to go back to what had been established by the Treaty of 1815. That was a fundamental error. He agreed that we had a right to insist on the terms of the Treaty of Vienna; but the question was as to the expediency of interfering for that end. The circumstances of 1815 were totally different from those of the present day. In 1815 the Emperor Alexander was supposed to favour the Poles, being influenced by the eminent men of that country who composed his Government, and there was none of the enmity which existed now between Russia and Poland. It was impossible then to suppose that the Emperor of Russia should have a Polish kingdom under his sway with free institutions and a free Government; and what was impossible at that time was infinitely more impossible now. In 1815 the Emperor allowed a Polish army to garrison the country; but where was the Polish army now? He certainly entertained grave apprehensions as

*Earl Granville*

to the results which would flow from negotiations which he thought were founded upon an erroneous basis. It had been said, that an attempt should be made to procure from the Emperor a proclamation suspending hostilities. Why, he would be most delighted to issue such a proclamation, because that would virtually be the end of the war. Our allies would not take it so coolly as his noble Friend seemed inclined to take it if their propositions were not agreed to. But he did not see that it was possible that the propositions made by Her Majesty's Government could tend to the tranquillity of Poland. Whether wisely or unwisely, the Poles seemed determined to fight to the death for their independence. Hitherto, though sharing the universal feeling of this country in their favour, he had said nothing, because so long as we were determined not to interfere by arms in their behalf, it was right to say nothing which would lead them to rush into a contest which he always thought must lead only to bloodshed and misery. But now the case was different, and the question was, not what would happen to Poland or to Russia, but to England. In his opinion we had too many guarantees on hand already, and any new ones should be avoided as far as possible. But if we went side by side with France in this matter, he did not see how we could draw back, and the result very likely would be that we should be drawn into war. He agreed with those who thought that we ought not to go to war about Poland; but while he was afraid that our present interference would not have a good end—and no prospect of such an end had been held out on either side of the House that evening—there was one thing for which we ought to go to war—namely, the honour of this country.

THE DUKE OF ARGYLL said, he wished to make a correction upon a point of historical interest. It was stated that Lord Aberdeen repeatedly declared that nothing would ever induce him to go to war in defence of Turkey. Now, he was pretty intimate with Lord Aberdeen, who, he was persuaded, never said this, and was too well acquainted with public affairs not to feel that circumstances might arise in which it would be necessary to go to war for the honour of this country. Lord Aberdeen certainly hoped and believed that the negotiations then going on would not lead to war; but he never made any declaration half so definite as the one attributed to him—namely, that it was not the policy of this

country to go to war for the sake of maintaining the independence of Turkey. With regard to the subject before the House, though his noble Friend (Earl Grey) had advised a do-nothing policy, this was not the language of the noble Earl opposite, nor yet of the noble Marquess. But unless we were in a position to do absolutely nothing, and to say not a word in favour of Poland and in reprobation of the cruelties of which she had been the victim, no other course could be taken than that pursued by Her Majesty's Government. If it was their duty to speak at all, they were bound to limit their suggestions within the four corners of the Treaty of Vienna. But his noble Friend (Earl Russell) had not maintained that we were bound to restore Poland to the position in which it was constituted by the Treaty of Vienna; he merely said that the Treaty of Vienna gave us a *locus standi*, which entitled us to speak on the Polish question along with the other Powers of Europe. It followed, however, that we could not propose to the Emperor of Russia to part altogether with his Polish empire. As to the policy of doing nothing, silence under certain circumstances might not imply assent. We might have no relation with a part of Europe which was the scene of great horrors, and in which great cruelties were being perpetrated; but if we had a *locus standi* for speaking upon the condition of that country, and yet offered no opinion, we were guilty of a great dereliction of public duty. This was the position of the Government in the present instance. He did not know what the noble Marquess (the Marquess of Clanricarde) meant by the speech he had just made, but he seemed to advocate a doctrine which ought to be repudiated—that England ought never to speak unless she was prepared to follow up her speech by broadsides of shot and shell, and ought never to use her moral influence on the side of any people, unless she was prepared to go to war in their favour. Now, we were often inclined to exaggerate our advantages as compared with those of former times; but one of the advantages and the blessings which we now enjoyed was certainly an increase in the power exercised by public opinion. In our day, public opinion acted much more powerfully and rapidly, and with much greater certainty, upon the councils of the world than it ever did before, and it would be a grave dereliction of public duty if England, representing as she did to a great extent the

feeling of Europe, had held her tongue upon the subject of Poland. It was worthy of remark, that during the whole debate no course had been pointed out other than that pursued by the Government, except the policy of total and, he must add, of ignominious silence.

THE EARL OF HARROWBY thought that England could not possibly have stood still and said nothing, while the public voice of Europe was raised against Russia; and in this instance he believed that the noble Earl (Earl Grey) had rather followed the instinct of his nature, which led him to criticise what had been done, than indicated the course which he would himself have pursued in such a case. He must admit that he was far from being sanguine that the propositions made by the Governments of England and France to Russia would be accepted, or if they were accepted, that they would be adhered to. They might, however, lead to some mitigation of the abominable cruelties perpetrated on the Poles, even if they led to no political consequences. It was said that moral force ought alone to be employed; but moral force always meant that there was something else in the background. It did not follow that this something else was always to be used, but it acted on the minds of those with whom statesmen were arguing. He had regretted to hear the impolitic extent to which the leaders on both sides of the House had carried the doctrine of non-interference. Lord Castlereagh was not in favour of revolutions or demagoguery, yet at the end of a long war we were at the very point of war with Russia on the subject of Poland, and perhaps nothing but the return of Napoleon from Elba prevented that war from actually taking place. The good Government of Poland was, in fact, a European object, and the object of every European statesman. Her Majesty's Government had in these negotiations too exclusively confined themselves to the Duchy of Warsaw, the pacification of which would settle nothing. It would be the pacification of 5,000,000 Poles in the midst of other large Polish communities, and would lead only to confusion and disorder. It was therefore only with a view to other results that he looked upon the action of Her Majesty's Government with any satisfaction. If it led to a suspension of the scourge which now hung over individuals and communities, it was at present the most that could be hoped for. Express treaty stipulations



were made in favour of the Poles, that they should receive the rights of self-government, that free intercourse should exist between the different provinces of Poland, and that they should have power of access to each other as Poles. The Treaty of Vienna was the only recognition, on the part of Europe, of the partition of Poland. As Russia had disregarded the stipulations of the treaty in favour of the Poles, her only title to Poland now was the sword. He thought that Her Majesty's Government ought to have gone further than they had done. Austria required some security against an overpowering neighbour, and as long as the noble Earl was content with so narrow an issue as that which he had raised, he could not expect the hearty support of Austria. The only title of Russia to Poland, he would repeat, was the sword, and the sanction of the Government to the Russian occupation of Poland ought to be from that moment withdrawn.

EARL RUSSELL said, he desired to explain that he had at present no papers to produce with regard to Poland. As soon as the Russian answer arrived, Her Majesty would direct it to be laid before Parliament.

EARL GREY said, that under these circumstances his Motion must be, of course, withdrawn. He objected to the Government asking, not for a real restoration of Poland, but for the re-establishment of the system of government that existed in 1815. He believed that this was an impossibility, and that neither Poland nor Russia would consent to such an arrangement. The course adopted by the Government was a combination of all that was objectionable, and was just one of those middle courses which could lead to no result. He had not, as the noble Earl had suggested, condemned negotiations under any circumstances, nor could he admit that doing nothing was the cause of the great Revolutionary War. He still believed, that if the Government had not encouraged the coalition against France and the invasion of that country, that war would never have taken place.

Motion (by leave of the House) withdrawn.

#### ALTERATIONS IN JUDGES CIRCUITS BILL. [H.L.]

A Bill to enable Her Majesty in Council to make alterations in the Circuits of the Judges—Was presented by The Lord Chancellor, and read 1<sup>st</sup>. (No. 213.)

*The Earl of Harrowby*

#### LAND DRAINAGE (PROVISIONAL ORDERS) BILL.

Report from the Select Committee, That the Committee having found that the Petitioners had no locus standi before them, had not proceeded with the Consideration of the Bill; read, and Ordered to lie on the Table: The Orders made on the 2nd Instant and Tuesday last, discharged; and Bill committed to a Committee of the Whole House To-morrow.

#### COLONIAL ACTS CONFIRMATION BILL [H.L.].

A Bill to confirm certain Acts of Colonial Legislatures—Was presented by The Duke of Newcastle, and read 1<sup>st</sup>. (No. 213.)

House adjourned at a quarter before  
Nine o'clock, till To-morrow,  
half past Ten o'clock.

### HOUSE OF COMMONS,

*Monday, July 13, 1863.*

MINUTES.]—SELECT COMMITTEE—Malt (Excise Duty, &c.), nominated—(List of the Committee.) SUPPLY—Resolutions [July 10] reported.

PUBLIC BILLS—Resolution in Committee—Fortifications (Provision for Expenses) [Payment to Bank of England.]

Ordered—Expiring Laws Continuance; Pauper Lunatic Asylums; Petty Sessions (Ireland).

First Reading—Turnpike Trusts Arrangements\* [Bill 227]; Turnpike Acts Continuance, &c.\* [Bill 228]; Jurisdiction of Justices (Lords)\* [Bill 232]; Statute Law Revision (Lords)\* [Bill 233]; Pauper Lunatic Asylums\* [Bill 234]; Petty Sessions (Ireland)\* [Bill 235].

Second Reading—Union Relief Aid Acts Continuance\* [Bill 199].

Committee—Fortifications (Provision for Expenses)\* [Bill 213]—n.r.; Companies Clauses\* [Bill 209]; Railways Clauses\* [Bill 208], on re-committal

Report—Companies Clauses\* [Bill 229]; Railways Clauses\* [Bill 230].

Considered as amended—India Stock\* [Bill 212]; Nuisances Removal Act (1855) Amendment\* [Bill 203 & 231].

Third Reading—Sydney Branch Mint\* [Bill 217]; Alkali Works Regulation (Lords)\* [Bill 220]; Waywardens' Contracts (Lords)\*; and severally passed.

Withdrawn—Court of Session (Scotland) [Bill 221].

#### CASE OF MR. CLARE—THE "WARRIOR." QUESTION.

MR. CONINGHAM said, he rose to ask the Secretary to the Admiralty, Whether a Petition addressed to the Queen by Mr. John Clare, jun., the inventor and patentee, as alleged, of the *Warrior* description of vessel, and praying for a settlement of his claims, has been received at the Admiralty, together with three Peti-

tions presented this Session to Parliament; also, the printed Affidavits of Mr. John Morrison and of Mr. Clare, respecting the evidence given by Sir Charles Fox, in the case of "*Clare v. the Queen*;" and whether these have been reported upon by the Legal Adviser to the Admiralty, and what that Report is?

LORD CLARENCE PAGET said, in reply, that the Petitions referred to had been presented to the Admiralty. The case of Mr. Clare had been tried by a Court of Law, and the jury found a verdict against him on all the issues. Subsequently, Mr. Clare moved for a new trial, and the Court of Queen's Bench unanimously refused the application. Therefore, so far as concerned the allegation of an infringement by the Admiralty of Mr. Clare's patent, that question appeared to be set at rest by the Court of Law. The affidavits respecting the evidence of Sir Charles Fox had been referred to the Admiralty solicitor, who was of opinion that Mr. Clare had no claims on the public, and he had been so informed.

#### BATTERIES AT BOMARSUND.

##### QUESTION.

MR. R. LONG said, he wished to ask, Whether the Government has received any information of the re-construction by Russia of the batteries at Bomarsund; and, whether they have forwarded any remonstrance to the Russian Government on the subject?

MR. LAYARD replied, that no information to the effect stated had been received by Her Majesty's Government.

#### THE ARMSTRONG AND WHITWORTH COMMITTEE.—QUESTION.

SIR JOHN HAY said, he wished to ask the Under Secretary of State for War, Whether the Armstrong and Whitworth Committee are likely soon to report; what the cause of the delay has been; and whether both competitors have completed the Guns ordered to make the experiment?

THE MARQUESS OF HARTINGTON said, in reply, that the cause of the delay which had taken place, and was still likely to take place, was that the guns which had been ordered for the purpose of making a practical experiment between the two systems had not yet been supplied. In February last the Committee ordered the guns which they thought necessary for the experiments—namely, three Whitworth 12-pounders, three 70-pounders, and three

muzzle-loading guns; and had also ordered a like number of Armstrong 12-pounders and 70-pounders, and breech-loading guns. Mr. Whitworth had explained that the reason why he had not been able to supply his guns was that he depended on the manufacturer for the metal, and that a considerable time might still be expected to elapse before he would be able to supply them. It therefore appeared that there was not much chance of a trial of the two systems being completed for three or four months.

#### INDIA—THE MHOW COURT MARTIAL. QUESTION.

MR. E. P. BOUVERIE said, he wished to ask the Under Secretary of State for War, Whether the Additional Memorandum presented to Parliament on the 1st of July last, respecting the Mhow Court Martial, is the only further Memorandum which has been sent to the Commander in Chief in India on the subject; whether that Memorandum was signed by the Adjutant General; and, if not, whether a further Memorandum, duly signed by that public Officer, has not also been sent to the Commander in Chief in India, which can be laid upon the table of the House?

THE MARQUESS OF HARTINGTON, in reply, said, that after making every inquiry in his power, he had only to repeat the statement he had already made—that no memorandum whatever could be found that at all answered to the description given by the right hon. Gentleman. A great deal of correspondence, some of which was private, had taken place between the Commander in Chief and the military authorities in India, and the right hon. Gentleman would seem, from his repeated questions, to be aware of the existence of some memorandum or letter of the kind. If the right hon. Gentleman would state the date of the letter, and describe more fully its subject, the correspondence could again be examined; and if any such letter should be found, the War Department would then be able to say whether they could lay a copy of it on the table.

#### RELATIONS WITH JAPAN.

##### QUESTION.

LORD NAAS said, he would beg to ask, Whether, in case of the Forces of the Tycoon of Japan becoming engaged in hostilities with either the Forces of the Spiritual Emperor or those of the Native Princes, the instructions issued to the

Commander in Chief of Her Majesty's Fleet will authorize him to take part in such hostilities?

VISCOUNT PALMERSTON said, that it was the invariable rule, founded on the best possible reasons, never to publish instructions sent to the Naval and Military Officers of the country, until the operations to which they referred were completed, and not often in that case. Therefore, he could not give an answer to the Question just asked.

#### THE STATUE IN LEICESTER SQUARE.

##### QUESTION.

MR. ADDINGTON said, he wished to ask the First Commissioner of Works, Whether his attention has been called to the mutilated condition of the Statue in Leicester Square, and to the present neglected state of the space inside the railings of the Square; and whether he will state upon what conditions a site is granted in the Metropolis to private bodies for the purpose of erecting thereon a statue or other monument, and when such grant has been made, whether the designs for the proposed work are submitted to him or to any other public functionary for approval previous to its commencement?

MR. COWPER said, that when he last passed through Leicester Square his attention was arrested by the very horrible mutilations which the Statue of George II. had been subjected to. It had only one leg, and that crooked, and only one arm, and that not the sword arm. This was, perhaps, owing to the fact that the statue was not made of sufficiently strong materials to bear the crushing weight of the Great Globe which was lately placed over it. This statue was not, however, under the jurisdiction of any officer of the Government, and it was not therefore in the power of Government to remove the figure or mend its legs. It was erected in the reign of George II. himself, and it was not till subsequently that the Statute was passed, prohibiting the erection of any statue in any public place without the written consent of the First Commissioner of Works. He conceived that it was the duty of the First Commissioner not to give his sanction in such a case unless he was satisfied that the proposed statue was suitable to the site and in harmony with the architectural features of the locality. As the law at present stood, the First Commissioner was entitled to impose such conditions as he deemed necessary for the preservation of

*Lord Naas*

the beauty of the metropolis, before sanctioning the erection of any statue in a public place.

#### MALTA DOCK.—QUESTION.

SIR JOHN HAY said, he rose to ask the Secretary to the Admiralty, When the Papers relating to Malta Dock will be in the hands of Members of this House, the Papers having been withdrawn from the Printer by the Admiralty, with the object, it is said, of correcting the proof?

LORD CLARENCE PAGET, in reply, said, the inference which his hon. and gallant Friend seemed to draw was that the correspondence had been abstracted by the Admiralty in order that it might be mutilated. That was entirely a mistake. It was usual when a correspondence was complicated and voluminous, as in the present instance, that the Department which furnished it should receive proofs for revision. This had been done with regard to the correspondence in question, and he hoped it would be laid on the table in the course of a day or two.

#### CIRCUITS—INCREASE IN THE NUMBER OF JUDGES, &c.—QUESTION.

MR. HADFIELD said, he wished to ask, If anything has been done for the re-arrangement of the Circuits, for an increase in the number of Judges, and for the purpose of holding the Assizes in additional towns, and whether any Bill will be introduced on the subject?

THE SOLICITOR GENERAL said, in reply, that he believed a Bill enabling Her Majesty to re-arrange the circuits had been or would be immediately introduced into the House of Lords by the Lord Chancellor with every hope that it would be passed this Session. He was not aware of any proposal to increase the number of Judges, or to effect any extensive alterations in the existing Assize arrangements.

#### MILITIA OFFICERS.—QUESTION.

COLONEL DICKSON said, he would beg to ask the Under Secretary of State for War, Upon what principle Officers of the Militia receive less pay when called out for twenty-one days than when embodied for a longer period?

THE MARQUESS OF HARTINGTON said, in reply, that the rates of pay were fixed some time back, when the present Act was passed, and it had not been deemed necessary to make any change. It was only

the higher Officers of Militia who received a lower rate of pay when called out for a short period of training, and they were usually gentlemen who accepted commissions for the sake of the position which they thus obtained, without regard to the amount of pay. No difference whatever was made in the pay of subalterns. He had heard no complaints in regard to the present rates.

**CASE OF MR. EASTWICK AT TEHERAN.  
QUESTION.**

MR. HENRY SEYMOUR said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether he will produce a Copy of the Memorandum communicated by Earl Russell, on the 9th day of July 1863, to Mr. Eastwick, late Her Majesty's Chargé d'Affairs at Teheran, and of Mr. Eastwick's Letter to Earl Russell, requesting him to reconsider his decision dismissing Mr. Eastwick the service, for bringing charges of a gross nature against Mr. Alison, Her Majesty's Minister at Teheran, which he was not able fully to prove?

MR. LAYARD said, that as at present advised it would be very objectionable to lay the Memorandum upon the table.

MR. HENRY SEYMOUR: Then, Sir, I beg leave to give notice that I shall bring the subject before the House at the earliest opportunity.

**UNITED STATES—RECOGNITION OF  
THE SOUTHERN CONFEDERACY.**

**ORDER FOR RESUMING ADJOURNED DEBATE  
DISCHARGED.**

On Order for resuming Adjourned Debate on Amendment proposed to Question [30th June].

MR. ROEBUCK: Sir, I rise for the purpose of moving that this Order be now read, in order that it may be discharged. Sir, I brought forward the Motion under the feeling that I was about to ask the House to take a step which would be likely to put an end to the terrible carnage now going on in North America, and which would also be of infinite advantage to the commercial interests of Great Britain. For making this Motion I have been subjected to much obloquy. That obloquy came from a very noisy and not very wise party, and I must say, Sir, that my present determination has not been influenced thereby. The noble Lord at the head of the Government, however, has

stated that the continuance of the debate would be an impediment in the way of the good government of the country and its interests. Feeling that respect which is due to the noble Lord's belief and wishes, I have induced my hon. Friend opposite (Mr. Lindsay) to forego his own desire in the matter. When the noble Lord sat down on Friday last, he and I were perfectly, or, at least, very nearly satisfied with what the noble Lord had stated; and if nothing more had been said, there would have been an end of the matter. But, Sir, official arrogance is a plant of portentously rapid growth. The hon. Gentleman the Under Secretary for Foreign Affairs has thought fit to bring a charge against my hon. Friend which he believed his honour called on him to answer. A little cool reflection taught him that insinuations like these coming from a quarter such as this did not need to be regarded. My hon. Friend then felt that the considerations submitted by the noble Lord at the head of the Government were so grave that he ought not to give way to any feeling on his own part of wounded pride, as I may call it, and solely to regard the interest of his country, as pointed out by the noble Lord. And now, Sir, when the matter is about to pass entirely from my control and my dealings with it, there is one observation I would make to the noble Lord. He has at the present moment the greatest responsibility on his shoulders. It has been said that the time has not yet come for the consideration of this question. I have yielded to that suggestion, but let the noble Lord bear in mind that there are two dangers before us which the Government and the country will have to meet. There is the possibility of a reconstruction of the Union upon a Southern basis, and there is the possibility of an acknowledgment of the Confederate South by the Emperor of the French alone. These are two great dangers for England. The noble Lord will, I have no doubt, with his long experience fully justify the confidence of the people in his consideration of these two great questions. I leave them, Sir, without hesitation in his hands, though I must say that my own feelings are against the withdrawal of this subject at the present time from the consideration of the House. England and English interests, it seems to me, demand the decision of the House, and it is only under a feeling of great respect for the noble Lord that I now withdraw my Motion.

*Moved.*

"That the Order for resuming the Adjourned Debate on Amendment proposed to Question [30th June] be read, in order to its being discharged."

MR. LINDSAY: Sir, I wish to say only a few words. There seems to have been some great misunderstanding on this question. The Motion now to be withdrawn is to the effect that the House invites Her Majesty to enter into negotiations with other Powers for the recognition of the Southern States of North America. That Motion stood on the paper for about six weeks. I heard a rumour ten days or so before the Motion was to come on that the Emperor of the French had changed his mind in regard to the expediency of then recognising the South. How that rumour originated I know not, but it was very general. I did not, however, pay any attention to it. My hon. Friend also heard a similar rumour, and wrote me a note asking me to ascertain, if I could, what truth there was in it, because, as he said, it was very important that he should know, lest, when he brought forward his Motion, some Member of the Government should rise and ask, "What is the good of this Motion when one of the chief Powers is not prepared to join in the recognition of the South?" My hon. Friend added that he would like, if he could, to see the Emperor and learn the fact from himself. I wrote on the subject to a friend in Paris, without any idea that my letter and its enclosure would reach the Emperor. The letter, however, did get to His Majesty; and I received an answer stating that I might give an unqualified contradiction to the rumour. The Emperor adding, "I have not changed my mind as to the desirability of recognising the South, and I shall be glad to see Mr. Lindsay and Mr. Roebuck on the subject should they visit Paris." I handed that note to my hon. and learned Friend, telling him that he could read it in the course of the debate if the rumour were referred to in the House. My hon. and learned Friend, however, thought that the note would not be sufficient. "I should like," he said, "to ascertain the fact for myself;" adding—"the House will believe me." That was upon the 19th of June. I replied that in my opinion the note would be enough, and that the House would believe it had come from an authoritative source; but the hon. and learned Gentleman still persisted in his desire to go to Paris. I must say, considering the high authority through whom

*Mr. Roebuck*

the contradiction was received, that I had no wish to trouble the Emperor; but as my hon. and learned Friend was anxious to learn his intention from His Majesty himself, as he thought it important for the success of his Motion that he should do so, and as I shared the anxiety to see this Motion carried, I accompanied my hon. Friend, at great inconvenience, to Paris. An audience was at once granted to us; but I presume the House does not for a moment suppose that I would make public beyond what is, under the circumstances, utterly requisite, any conversation which the Emperor of the French has been pleased to hold with me, either at that interview or at any other, without his special permission. After what has taken place, I may therefore merely state that during that conversation, which lasted a considerable time, my hon. and learned Friend pointed out to the Emperor the importance of having it clearly understood, that if it should be the pleasure of Her Majesty to negotiate with him on the subject of the recognition of the Southern States, he would be prepared to enter into that negotiation, and my hon. and learned Friend asked that he might be permitted to make a statement in the House to that effect. His Majesty replied, "Take any means you think proper to let it be known that I am prepared to negotiate, and that there is no truth in the rumour prevalent in England in regard to any change of my views on this question." All the Emperor meant, so far as I understood him, was, that if the House of Commons should pray Her Majesty to address him on the subject of the recognition of the Southern States, he would be only too happy to enter into negotiations with that object, believing, as he did, that if the great Powers of Europe thought it advisable to recognise the Southern Confederacy, the moral effect would be such as to stay the terrible carnage now going on in America. That is the substance of what took place. So far as I am concerned, I was quite satisfied with the statement of the noble Lord at the head of the Government on Friday evening, although, as the House is aware, the course pursued by my hon. and learned Friend has been the subject of much comment in the public press, and I have shared with him the obloquy. We are all exposed to remarks of that kind; and though we feel we have not done wrong, we are often obliged to bear with them, for prudential reasons, in silence. I

did not, however, pay a great deal of attention to the comments of the press in the present instance, and after the statement of the noble Lord on Friday evening, and the few words I offered in reply, it was my wish that this very delicate matter should be allowed to drop. But the Under Secretary for Foreign Affairs did not seem at all satisfied; in fact, he appeared to be quite dissatisfied with what his noble chief had said. He felt it to be his duty to raise some fresh matter, and taunt me, as the organs of the Government have done, with being an amateur diplomatist and a special envoy—and he thought it necessary to read me a moral lesson, telling me to take care not to fall into the same trap again. I think the remarks of the hon. Gentleman were wholly uncalled for after the statement which the noble Lord at the head of the Government had made to the House. The noble Lord had said that no one had any right to cavil at the course which my hon. and learned Friend and I had taken. He had stated that Her Majesty's Government were well aware that for the last three years and a half I had been labouring in a very important question—a question of great interest to this country as well as to the people of France in regard to the maritime relations between the two countries, and that I had been labouring, moreover, not merely with their knowledge, but with their sanction and on their introduction. I may now state that during the whole time I was engaged in that business I never said anything to any one on the subject, except to Lord Cowley. The fact never crossed my lips that I had seen either the Emperor or his Ministers. I laboured for the good of my country in a quiet and unostentatious manner; and if I am an amateur diplomatist, it was Her Majesty's Government, of which the Under Secretary is a Member, who made me one. It was they who sent me to Paris and desired me to do the work which they ought to have done themselves. As might be expected, during the interviews with which I was favoured the Emperor was pleased to speak to me on various subjects, but I invariably reported every word to Her Majesty's Ambassador at Paris, and I invariably told the Emperor that what he might be pleased to say to me would be so communicated to Lord Cowley. The Under Secretary taunted me on Friday evening by saying that on one occasion I came from Paris saying I was sent home on a special mission by the Emperor, but that he received a telegram

contradicting the statement I made. Who was that telegram from? It is the first time I have heard of it. Was it from the Emperor or any of his Ministers? If so, it was passing strange. But I am not going to explain the circumstances; they are far too delicate to be handled in this House. They must have been so, or a private individual would not have been made the medium of communication. I have always been anxious to maintain the friendly relations between the Governments of the two countries, and would be the last to say or do anything that would cause any misunderstanding between the Emperor of the French and Her Majesty's Ministers.

MR. NEWDEGATE: I rise to order. The House must now be aware that the course which has been pursued by the hon. and learned Member for Sheffield and the hon. Member for Sunderland is not only highly improper, but is likely to be fraught with serious consequences.

MR. ROEBUCK: Is the hon. Member speaking to order?

MR. SPEAKER: It does not appear to me that what the hon. Member has said can be considered as bearing upon the question of Order. The Question before the House is that an Order should be discharged; and nothing has occurred in the debate on that Question which, in my opinion, can be regarded as out of order.

MR. NEWDEGATE again rose.

MR. SPEAKER: And, as what I have now said appears to receive the sanction of the House, it is the duty of the hon. Member to acquiesce in it.

MR. LINDSAY: I hope nothing will fall from my lips which can be deemed unparliamentary, or against order. No one ever heard a whisper from me of any conversation I have had with the Emperor of the French until the 23rd of last month, when, incidentally, I obtained liberty to make certain statements. I have refrained from making those statements, and will not make them now. I prefer to bear the reproaches of the Under Secretary rather than let one word fall from my lips that would tend to disturb, in however slight a degree, the harmony which is generally supposed to exist between Her Majesty's Government and the Emperor of the French, and which really exists between the Emperor of the French and the people of England. I shall not make the facts known unless Her Majesty's Ministers drive me to make the statements referred to—and I am inclined to think they will

not do so. But as the Under Secretary has said that he received a telegram from Paris contradicting me—whether from the Emperor or by his orders, or from his Ministers, I do not know—I may briefly state that the conversation in question took place on the 11th of April 1862. It was on the subject of American affairs, and was of a very grave character. It related to the past, but had reference also to the future. I listened to what the Emperor said to me with considerable pain. He asked me to report the conversation to Lord Cowley. I said that I was to dine with Lord Cowley the same evening, and would probably have an opportunity of doing so. I had not then the opportunity, but on the following morning I repeated to Lord Cowley the whole of the conversation, and I said to him in the most distinct manner, “In sending notes of the conversation to Earl Russell, take care to state in the clearest possible way the reasons why the Emperor has been pleased to have this conversation with me; and the reason why he has thought proper to adopt so unusual a mode of communication; there must be no misunderstanding on that point.” I said to him further that the Emperor had asked me to return to him with any remarks which his Lordship might be pleased to make upon the conversation. Adding—“In this case, anything you say I will report to the Emperor at his desire; therefore say as much or as little as you like.” I returned to the Emperor and repeated to him what Lord Cowley had said, and he seemed satisfied with the manner in which I had carried out his wishes. I was then requested on my return to London to repeat the conversation to Earl Russell and the noble Lord at the head of the Government. I felt, when that request was made, that I was asked to perform a very delicate duty, and, anxious to avoid it, I said to his Majesty that Lord Cowley had reported the conversation already to Earl Russell. It is exceedingly unpleasant to me to be obliged to make even these statements. I was, however, not allowed an opportunity of repeating the conversation to Earl Russell or the noble Lord at the head of the Government. A correspondence passed, and I returned to Paris. It was His Majesty's pleasure again to see me. By his request I wrote to the noble Viscount on my return to London, and I sent to Paris a copy of the letter which I had written to the noble Viscount, and also a copy of his answer,

*Mr. Lindsay*

by the noble Viscount's desire. The correspondence ended with the following words:—“I have performed to the best of my ability this very delicate duty, and no person shall ever know from me what transpired.” And the House does not know even now what transpired. I have not even mentioned the subject to any one until it was incidentally alluded to the other day. I may in conclusion add, that if it be the case, as the hon. Member says, that he received a telegram by order of the Emperor such as he described, why did His Majesty, when I returned to Paris, not say, “I can't see Mr. Lindsay again?” If I had been the imprudent person, the busybody, that the hon. Gentleman endeavoured to make me out, what would have been the Emperor's message for me when I returned the second time to Paris? Why, this—“Tell that gentleman, when he calls, that I am not at home.” Therefore, it is strange indeed if the hon. Under Secretary received the telegram he spoke of. With these remarks—and I have been obliged in self-defence to say more than I desired to say—I now leave this truly delicate matter, and I hope the Government will not force me to say any more.

VISCOUNT PALMERSTON: I think my hon. and learned Friend has judged rightly in moving to discharge the Order. The reasons which I stated the other evening, to show that no good could arise from a debate and a division on the Resolution of my hon. and learned Friend, are still, I hope, present to the minds of hon. Members. I must, however, express my regret that my hon. and learned Friend and my hon. Friend the Member for Sunderland (Mr. Lindsay) should have mixed up with this well-considered decision of theirs an attack upon my hon. Friend the Under Secretary for Foreign Affairs. [“Oh, oh!”] My hon. Friend did on Friday what he deemed to be his official duty, as arising from what fell from my hon. Friend the Member for Sunderland, after I had spoken and towards the conclusion of the discussion. I will say nothing on that subject, except only that I hope this will be the last time when any Member of this House shall think it his duty to communicate to the British House of Commons that which may have passed between himself and the Sovereign of a foreign country. I sincerely say that I do not mean to impute the slightest blame to my two hon. Friends. I am persuaded that they acted with the best intentions, and according to what they

felt to be their duty as Members of Parliament, and for the good of the country. At the same time, I wish to impress upon their minds, and upon the minds of the House, that the proceeding which they have adopted is most irregular — to use no stronger language. The British Parliament is accustomed, as one of its functions, to receive messages and communications from the Sovereign of the United Kingdom; but we are in no relation to, we have no intercourse with, no official knowledge of, any Sovereign of any foreign country. Therefore, it is no part of our functions to receive communications from the Sovereign or the Government of any foreign State, unless such communications are made by the responsible Minister of the Crown in consequence of official communications held by order of a foreign Government with the British Government. If the Emperor of the French and the Queen of England have any communications to make to each other, the Emperor has his Ambassador in London, and the Queen has her Ambassador in Paris. Those Ambassadors are the proper organs for such communications. Sovereigns and Governments communicate with Sovereigns and Governments, but they do not communicate with the Legislatures of other countries. If either the Emperor of the French or the Queen of England have any statement which they wish to make public to all the world, or any intentions which they think fit to announce, they have Ministers in their respective Parliaments to make those announcements; or, if those Parliaments be not sitting, the Emperor of the French has his official organ — the *Moniteur* — through which to make public any statement of his intentions, any denials, or any assertions. We have not in this country a corresponding official organ; yet everybody knows that the Government have the means of making widely known any important statement which they may wish to give to the world during the Parliamentary recess. Therefore, nothing can be so irregular as proceedings of this sort, and for this obvious reason—setting aside the constitutional objection, which I hold to be very grave—that when the Minister for Foreign Affairs at Paris, or my noble Friend at the head of the Foreign Office here, makes a communication to the country, that communication is made by a responsible Minister, who is bound to take care that that which he states is an accurate description of the communication which it is intended

to make, so that no question can at any time arise as to the authenticity of the statement or the correctness of the report which is made. It cannot be the same with such communications coming through private individuals. I think it right, therefore, to place it upon record, as far as a statement in this House can do so, that the proceeding is utterly irregular, and I trust it will never be drawn into a precedent. I do not in the least find fault with my hon. Friends for communicating with the Emperor of the French on any matter on which they think they ought to do so. Only they ought to have followed the course which my hon. Friend the Member for Sunderland said he followed on a former occasion—namely, that of communicating to Lord Cowley that which had been stated to them, and that which it was important should be made known to the Government. My hon. Friend the Member for Sunderland said, very truly, he had been in communication with the Emperor of the French for the last three years on subjects connected with commerce and navigation. He rather implied that he was employed by Her Majesty's Government for that purpose. That is not exactly the case. The hon. Member stated that he was going to Paris, and thought, from his commercial knowledge and his acquaintance with navigation, that he might be able to convey to the Emperor information which might be useful to him in framing his measures for the alteration of the French Navigation Code. He stated that to me and to my noble Friend at the head of the Foreign Office. We said, "We should be very glad that you should employ your special knowledge for that purpose." We did not ask him to do it. He offered and we accepted, and we gave him an introduction to Lord Cowley in order that he might procure access to the Emperor for that purpose. So far what he did was perfectly regular, well-considered, and founded on the best intentions. Of course, my hon. Friend has information which we have not in the same detail, and from his own practical experience he could give useful information to the Emperor, with a view to the framing of future legislation on the French Maritime Code. But then my hon. Friend went on to say, that having returned to this country, he offered to communicate to my noble Friend and myself the result of his communications with the Emperor, and that he got a letter from me which was written, I think, from the country. As far as I can recollect, for I have



not refreshed my memory by looking at that letter, I have no doubt that what I then stated was what I state now—namely, that if the Emperor of the French, in consequence of the representations and information laid before him by my hon. Friend had any proposal to make to the British Government, that proposal ought to come through some responsible channel—either through the Emperor's Ambassador here or through our Ambassador at Paris. It is not the habit of the English Government to carry on what may be called a double diplomacy. We have public and official organs of communication with foreign Powers; and I think it highly objectionable to have private communications made through individuals touching those matters which ought to be the subject of official communications. That was what I stated—I trust courteously—to my hon. Friend; and that was the reason why I thought it better that we should not receive any communication coming from the Emperor through him. I did not intend to offer any discouragement to the useful exertions of my hon. Friend in seeking to infuse more liberal commercial principles into the French Government. I simply meant to say that it is objectionable for Her Majesty's Government to be employing private persons, however honourable or intelligent, in carrying on communications with foreign Governments, instead of conducting them through the official and legitimate organs. This case is entirely different from that of my hon. Friend the Member for Rochdale (Mr. Cobden), because he was employed by the Government to negotiate in concert with our Ambassador at Paris; and although he was too high-minded to receive any actual appointment or salary, he was clearly a diplomatic agent, employed specifically by the Government for a special purpose. My hon. Friend the Member for Sunderland did not hold that character. He was a private gentleman, going to Paris to give information which he possessed in an eminent degree, and which would be very useful; but he was not employed by the Government; and therefore I thought, and my noble Friend (Earl Russell) also thought, it was not desirable that we should have backward and forward communications between Her Majesty's Government and the Emperor of the French through my hon. Friend. I should hope, Sir, that this discussion may end here. I think my hon. and learned Friend (Mr. Roebuck) is right in the decision he

*Viscount Palmerston*

has taken; and I trust we shall have no further debate as to what was said by the Emperor, or what was said by my hon. Friends. My hon. Friend the Member for Sunderland said, that if the Emperor had thought him a busybody, the next time he knocked at the door of the Tuileries His Majesty might say, "Not at home." Well, I think that these discussions in this House are not encouraging to a ready opening of the door of the Tuileries to those whose presence there and whose opinions and information might really be found very useful.

THE O'DONOGHUE said, that the tone which had been taken by the hon. and learned Member for Sheffield (Mr. Roebuck) on the present occasion was very different from the tone which he took when he brought the subject before the House. But he wished, before the Motion was withdrawn, to enter his humble but emphatic protest against the spirit of hostility to America in which the hon. and learned Member for Sheffield's Motion had been conceived, and also to free himself from any possible imputation of sharing in the smallest degree in the vindictive feelings which had manifestly taken possession of that hon. and learned Gentleman's mind. His feelings towards America, both North and South, were very different from those of the hon. and learned Gentleman. His feelings were those of unbounded gratitude and the warmest affection; and he ventured to say, in his place in Parliament, on behalf of the majority of his countrymen that they entertained similar feelings towards America, both North and South. ["No, no!"] There might be a difference of opinion; he had stated his—and he must say he did not think they would so far forget what they owed to America as to become consenting parties to a policy which ostensibly had for its object the recognition of the independence of the South, but in reality sought, by recognising the South, to take the surest and safest means of striking a deadly blow at the greatness and prosperity of America. He should say no more on this occasion but that he was sorry the Motion of the hon. and learned Gentleman had not received an emphatic denial by the House. Though his sympathies leaned more to the North than to the South, it was simply because the object of the North had been the reconstruction of the Union. If, however, by the triumph of the South the Union should be restored, he would equally rejoice, considering that one

of the greatest calamities that could befall, not only America, but the world, had been averted.

Mr. WHITESIDE said, that no country in Europe had more interest in a full discussion of the American question than Ireland, for the simple reason that thousands of her sons had been slaughtered in the contest now going on in America, and for a cause not their own. Owing to some want of energy on the part of Her Majesty's Administration, it was stated that at the present moment the subjects of the Queen were being daily enlisted to engage in that fratricidal war. He did not think that the hon. Member could have convinced any one, much less the hon. and learned Member for Sheffield, that the people of Ireland did not want the subject discussed. He did not object to the withdrawal of the Motion; but he did not think there was any room for a sneer on the occasion, seeing that the Chancellor of the Exchequer stated many months ago—in October last year—as plainly as he could speak, that the South had shown all the qualities of a great nation. The Government of America complained of that statement as a breach of the laws of neutrality; but it could be no reflection on any Member to think that the South was a nation now, when the most eminent Member representing Her Majesty's Government, making capital for the Northern States, proclaimed the greatness of the South in October last, whatever might be the opinion of the Government now.

Mr. NEWDEGATE quite agreed with the noble Lord at the head of the Government in the constitutional answer he had given to the hon. Member for Sunderland respecting the mode of communication between Sovereign Powers; and he felt thankful to the noble Lord for warning the House against a repetition of the proceedings which had been adopted. Such proceedings were not only in derogation of the prerogatives of the Crown, but, as any one could easily foresee, might lead to the gravest complications between this and other States.

*Motion agreed to.*

*Order read, and discharged.*

FORTIFICATIONS (PROVISION FOR EXPENSES) [PAYMENT TO BANK OF ENGLAND].—COMMITTEE.

*Order for Committee read.*

*Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."*

VOL CLXXII. [THIRD SERIES.]

Mr. HENNESSY stated that the noble Lord at the head of the Government had told him, that in consequence of the debate on the American question taking place that night, he should not be able to grant him Thursday to bring on his Motion regarding Poland; but inasmuch as the American debate had gone off, he wished to ask the noble Lord, whether, as he would be able to get into Committee on the Fortifications Bill that night, there would be any objection, in the altered circumstances of the case, to accede to his proposal to devote Thursday to the Motion of which he had given notice?

Mr. SPEAKER intimated that the question had better be asked before going into Committee on the Fortifications Bill.

SIR FRANCIS GOLDSMID said, that before they went into Committee he wished to call the attention of hon. Members to one point. Whatever might be the first cost of the fortifications, it would bear no proportion to the expense they would entail on the country. According to the Report of the Defence Committee, the new works, would not be manned so extensively by Volunteers as was the opinion of the Commission. It might, he thought, be contended that the proportion of regular troops required would not be less than one third of the whole number, and that would involve an annual charge of £1,300,000. If that sum were capitalized, the assumed expense of the works would be just about one-fourth of what they would really cost the country. With regard to the Dover fortifications, the schedule of the Bill of last year gave the estimate for the three different works separately, and the second clause of the Act declared that there should not be expended in the year any greater sum than the total estimated cost. He found, however, by the Bill of the present year, which gave the total expenditure up to March last, the items were given together, and one of the works, the fortifications on the western heights, had grown from £149,000 last year to £191,000 this year, while the second clause of the present Bill imposed much smaller restrictions upon the expenditure than the Bill of last year.

COLONEL DICKSON said, he wished to appeal upon one matter to the noble Viscount, in the absence of the Irish officials. He would not again dwell upon the absurd extravagance of the fortification scheme, but he would observe that a Report had recently been made to the Government by

an eminent engineer respecting public works in Ireland, the construction of which would be of great value to the country, and would afford a means of relieving some of the distress unhappily prevailing in that country. That Report had been laid before the House too late in the Session for Parliament to take any action upon it, but he hoped the winter would not be allowed to pass over without some steps being taken to carry out the suggestions contained in that Report, the total expenditure recommended by which did not exceed £280,000.

*Motion agreed to.*

Fortifications (Provision for Expenses)  
[Payment to Bank of England] *considered*  
in Committee.

*Resolved,*

That the Commissioners of Her Majesty's Treasury be authorized to direct the payment to the Governor and Company of the Bank of England, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, of the sum of £600, as an allowance for the expense of management of the contributions to be received by the said Governor and Company under any Act of the present Session for providing a further sum towards defraying the expenses of constructing Fortifications for the protection of the Royal Arsenals and Dockyards, and the Ports of Dover and Portland, and of creating a Central Arsenal.

*House resumed.*

Resolution to be reported *To-morrow*,  
at Twelve of the clock.

FORTIFICATIONS (PROVISION FOR  
EXPENSES) BILL—[BILL 213.]  
COMMITTEE.

Order for Committee read.

Motion made, and Question proposed,  
"That Mr. Speaker do now leave the  
Chair."

AFFAIRS OF POLAND.

OBSERVATIONS.

MR. BENTINCK said, he rose to claim the attention of the noble Viscount to the request that had been addressed to him by the hon. and learned Member for the King's County (Mr. Hennessy). The noble Viscount had stated on a former evening that he could not give the hon. Member an earlier day than the following Monday for his Motion concerning Poland, as the important discussion upon the American question would occupy the attention of the House on that Monday. That discussion having gone off, he would ask the noble Lord whether he could not allow the Polish debate to come on on Thursday? At that period

*Colonel Dickson*

of the Session every day saw a diminution in the attendance of hon. Members, and therefore a better attendance might be looked for on Thursday than on the following Monday. Having been, up to a recent period, impressed with a belief that further discussions upon the affairs of Poland were undesirable, he wished to state that recent events had altered that opinion. After the remarkable statement made by the noble Lord as to the ultimatum or the proposals sent to the Russian Government the position of affairs was quite changed, and he now believed that a discussion upon the subject was indispensable, and also that the sooner it took place the better. It appeared to him that they were much in the same position as in 1855, and that they were drifting into another war with Russia. Unless the House had some clear and satisfactory explanation from Her Majesty's Government as to the course intended to be taken upon that question, and also as to the position in which this country stood with France and the other great Powers in regard to the Polish question, it would be impossible for any man to tell what consequences might ensue. He believed that some decided expression of opinion was required from that House to prevent a war, and he hoped the noble Viscount would facilitate that object by enabling the debate to be taken on Thursday. He should, as a matter of form, to put himself in order, move the adjournment of the House.

Motion made, and Question proposed,  
"That this House do now adjourn."—  
(*Mr. Bentinck.*)

VISCOUNT PALMERSTON said, he had every desire to accommodate the hon. Member for the King's County, but it was most important to get on with that portion of the business which regulated to some extent the duration of the Session. The Government were anxious to go on with Supply on Thursday, and hoped to finish that business on that day, or at all events on Friday. Every one was aware that upon the terminating point depended the closing of the Session. He had stated, and he repeated, that Monday next should be placed at the disposal of the hon. Member, and he could hardly conceive that the difference between Monday and Thursday would have any material effect upon the attendance in that House.

SIR STAFFORD NORTHCOTE asked whether the Voto for the packet service would be taken on Thursday.

VISCOUNT PALMERSTON: Yes; they are the only remaining Estimates.

MR. HENNESSY said, he begged to remind the noble Lord, that if Supply was put down for Thursday, it would be in his power, or that of any hon. Member, to bring on a discussion of the Polish question upon the Motion for going into Committee of Supply. When the noble Lord on the former evening said that that evening would be occupied by a discussion upon the American question, it appeared to be understood that there would be but one night that week for the disposal of Government business. But the noble Earl the Secretary of State, on the same evening in another place, declared that in his judgment the time had come when a discussion upon the affairs of Poland should take place. If the Foreign Secretary invited discussion upon the subject in the House of Peers, it was not possible for that House to forego discussing it. He had yielded to the Government night after night, and had allowed the discussion to be delayed for the convenience of the Government, and he had therefore no other course to pursue than to place his notice respecting Poland upon the Motion for going into Committee of Supply, and he should bring it on upon that occasion.

MR. HORSMAN said, he wanted to understand if the giving-up of Thursday by the Government would really make any difference in the conclusion of the Session. He understood that two nights, Thursday and Friday, would finish Supply. And under those circumstances he should have thought that Friday and the following Monday would have been equally convenient? If so, then he thought the hon. Member for the King's County would be justified in pressing his Motion; but if the noble Lord would say that such a course must lengthen the Session, then upon that ground the arrangement should stand.

MR. CARDWELL said, he believed there was but one Estimate left, but the hon. Member must be aware that the Government could not command Friday. Unless they went into Committee of Supply on Thursday, there would be the risk of its being thrown over until the following week.

MR. HORSMAN said, he thought the answer was satisfactory, but he would ask whether the noble Lord would give an assurance that the Government would take the same pains to keep a House on Monday as if it were needed for its own pur-

pose. [Viscount PALMERSTON assented.] Upon that understanding, he would recommend his hon. Friend not to press his Motion on Thursday.

MR. PEACOCKE observed, that as long as Supply was on the paper, independent Members having Motions to submit were masters of the Government. He wished to know whether the Government intended to place Supply on the paper for Thursday, and then the hon. Member for the King's County might state whether he would proceed with his Motion respecting Poland on that day.

MR. HENNESSY said, after the appeal which had been made to him by the right hon. Gentleman the Member for Stroud, he was quite ready to fix the Motion, on the subject of Poland, for Monday.

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal).

SIR FRANCIS GOLDSMID said, he wished to inquire why the clause was different from the corresponding clause in the Bill of the previous year.

VISCOUNT PALMERSTON said, that the clause in the previous Act prevented the Government from entering upon arrangements for more than that portion of the work for which a certain sum was voted, and had been found very inconvenient. An alteration therefore had been made in the Bill before the Committee. Every one must know that to contract for one portion of a work one year, and another portion another year, must always be done upon disadvantageous terms; because, if the contractors were uncertain as to the amount of plant and labour that would be required, they would raise their estimates accordingly. He had explained the matter before to the hon. Baronet the Member for Stamford and to the hon. Baronet the Member for Evesham, and he thought he had satisfied them there was no good reason for including the restriction in the present Bill.

SIR HENRY WILLOUGHBY said, there was undoubtedly great force in the observation that it was not desirable to make contracts piecemeal; but the Committee ought to be made acquainted with

the extent to which the contracts were likely to be made, or otherwise the House would probably find itself very seriously compromised.

Clause agreed to.

Clauses 3 to 17 agreed to.

Clause 18 postponed:—Clause 19 agreed to.

Clause 20 (Accounts to be laid before Parliament).

SIR WILLIAM JOLLIFFE said, he had to complain that the Returns before the House were not sufficiently explicit as to the works which had been undertaken by virtue of preceding Acts, and he thought the House ought to be informed what money had been expended upon them. It was stated that a considerable tract of land had been purchased at Redhill in the neighbourhood of Reigate for the purpose of erecting a fortress, which was to serve also as a military prison. He wished to know if that was the case; and, if so, from what district the money was to be taken. He also wished to know whether it was intended that under the powers of the Act before the Committee fortresses might be erected all over the country without information being given to Parliament on the subject? He understood, that although the land to which he referred had been acquired and the money paid, no Vote had been taken, and certainly no mention was made in the Returns of such a work.

THE MARQUESS OF HARTINGTON said, he would take care, when the next Returns were laid upon the table, that the fullest information should be given to the House as to the way the money was expended and as to the progress of the works. The land purchased near Reigate had not been bought by any money to be raised under the Bill before the Committee, but by money granted under a former Act. None of the money to be raised under the Bill now before the Committee would be expended otherwise than was specified in the schedule. In reply to the hon. Baronet the Member for Evesham, he begged to say he did not think the House could possibly be pledged to any expense it was not aware of, because there was a distinct proviso in the Bill that no money should be expended upon any works not contained in the schedule, nor beyond the total estimated cost of the works.

SIR HENRY WILLOUGHBY said, what he objected to was this:—The Committee were asked to vote £650,000 for certain works; but if the Government were

to enter into contracts to the amount of £1,300,000, in what position would the House be? He did not wish to cripple the Government, but contracts ought not to be entered into, the money to carry out which the House would have to vote on compulsion. He thought it a great error to introduce into the preamble or clauses of the Bill anything about a central arsenal, when it was not intended to apply any of the money that might be voted to such an arsenal. The House was bound to tell the truth as well as anybody else, and why should they pretend to provide for a central arsenal when they did no such thing?

SIR FRANCIS GOLDSMID said, he apprehended, that in consequence of the arsenal being mentioned in the schedule, any money not required for some of the works might be expended on the arsenal.

SIR STAFFORD NORTHCOTE said, he agreed that it was undesirable to make contracts piecemeal; therefore, he had not insisted on the clause which he proposed last year when it was pointed out that it would be inconvenient to the Government. But there was a great deal of piecemeal proceeding in the way in which the Government asked for the money required for the fortifications. The original scheme was this:—Instead of voting year by year half a million, or three quarters of a million, or a million, it was suggested that the Government should propose some different plan, and state how much it would cost to put the country into a good state of defence, and also that the whole amount should be raised by way of loan. Now, what had happened? A plan had been laid before the House, but instead of asking for power to borrow all the money necessary, the Government had asked for a portion, and had gone on year after year obtaining small sums. They were then asked to vote only such sums as in former years it was usual to vote in the Estimates under the head of fortifications. The House was going on voting money piecemeal, although the Government did not make their contracts piecemeal. There was no knowing how long the House might be asked to go on voting these small sums, and he must enter his protest against the system.

MR. NEWDEGATE said, that after the positive assurance of the noble Lord at the head of the Government that it was not intended to proceed with the central arsenal, he naturally imagined that the terms of the Bill would be adapted to that declaration;

*Sir Henry Willoughby*

and so perfect was his confidence in that declaration of the noble Lord, that he had never thought of looking at the clause. It must certainly have been an oversight on the part of the Government, after they had assured the House that a certain work should not be completed, to have placed such a provision in the Bill, and he trusted that at a future stage the mistake would be corrected, and all reference to that work would be struck out of the Bill. He had a distinct objection to the proposal respecting a central arsenal, which, according to the Reports of the Commissioners, was to be adapted for a fortress.

SIR DE LACY EVANS said, he thought that the hon. Member for North Warwickshire was the only person who conceived that the Commission recommended, or that the Government intended, the formation of a central fortress in this kingdom. It was suggested that there should be a central arsenal, and all he could say was, that if there was to be a fortress, his humble vote should be against such a proposition.

MR. NEWDEGATE said, that if the hon. and gallant Officer would look to the Reports, he would see that the country around Cannock Chase had been surveyed with the view of selecting a spot with a large open space such as was necessary to surround a fortress.

SIR FREDERIC SMITH said, he believed that the reason why Cannock Chase had been selected for a central arsenal was that it would not require fortifications. It was not proposed to vote any money for Cannock Chase that year, and it was wasting the time of the House to discuss a matter which was not before it. With respect to contracts, his opinion was, that if the Government did not contract for works as a whole, they would be badly constructed; for if two or three parties were employed, nobody would be really responsible. The amount to be spent in each year was shown in the schedule, and the sum now asked for was an instalment for the works for the next twelve months.

MR. BERNAL OSBORNE said, the question of a central arsenal was left in considerable doubt, and the Committee had no means of knowing whether it was the intention of the Government to proceed with the formation of such arsenal or even to purchase the land for it. It was therefore only proper that some precise information should be given as to the intentions of the Government on the matter. Woolwich certainly was not adapted for the purpose

of a central arsenal. If one Member of that House had been worse treated than another in respect to the central arsenal, it was the hon. Member for North Warwickshire. The hon. Member had protested against the raising of a fortress, and he was quite right. When he (Mr. B. Osborne) contradicted the hon. Member the other night, he had not looked into the papers so accurately as he ought to have done; but on turning to the correspondence relative to the intended site of the central arsenal or dépôt, he found that the hon. Gentleman was warranted in what he stated; and he hoped the hon. and gallant Officer the Member for Westminster, who, followed in his wake, and had likewise contradicted the hon. Gentleman, would make the same apology as he did then. What was the opinion of the President of the Commission relative to the site for an arsenal or central dépôt? He said—

“A new arsenal, involving, as it must, considerable outlay on fortifications, as well as the maintenance of a large garrison, should be so situated as to form a rallying point for the defence of the country in the event of London falling into the hands of an enemy.”

He hoped the hon. Member for Warwickshire would put himself at the head of an opposition to the central arsenal. It appeared that they were to have, not only a central arsenal, but also a central fortification, to which the Government, the Speaker, and the leading authorities might retire should London be taken. All along the House had taken too much for granted on the bare statement of the Ministry. Hon. Members had taken no pains to master the question, and, with one exception, they appeared to have passed over the appendix to the Report of the Commissioners. Some explanation ought to be given as to whether the central arsenal was to be proceeded with; and, if so, whether it was intended to act on the advice of the Commissioners? He referred particularly to a letter in the appendix to the Report from Sir Harry Jones, addressed to the Secretary of State for War. He hoped the House would press the noble Lord to give some answer to this question.

VISCOUNT PALMERSTON: When, in 1860, I proposed this arrangement to the House—that certain points should be defended, and that the expense should be borne by terminable annuities, instead of charging it to the annual Estimates—I stated, among other things, that we considered it necessary to have a central

arsenal. That opinion has been very much confirmed by military authorities, and among others by my hon. and gallant Friend the Member for Westminster, by whom it has been represented that Woolwich in its present condition is a very unsafe place for our stores. The Commissioners reported that to fortify Woolwich would require such an extent of works and of garrison as would render the proposal altogether unadvisable. We are asked whether by a central arsenal we mean a central fortress? And I answer that question by asking, what is the name now given to Woolwich? It is now called Woolwich Arsenal; and the reason why we want another is that Woolwich is not a fortress, and cannot be made a fortress. That shows that the word arsenal does not mean a fortress. We have no intention of proposing to Parliament to erect a great central fortification for the shelter of the Government in the case of an invasion. We do think, however, that among the arrangements necessary for the purpose for which this Bill provides, it would be desirable to have, in some central position, an arsenal—a dépôt for stores, where some of the things which are more easily made can be manufactured. Therefore, as it was a part of the original proposal made to Parliament, and sanctioned by its Vote, the project of a central arsenal still appears in the schedule to the Bill. The Committee will see no sum is proposed to be voted this year for that. We do not intend to take any step at present for the purchase of land. Before the land can be purchased, it will be necessary to come to the House again, and the House will have an opportunity of determining whether they will buy land for a central arsenal; and then, if they do, every step for its construction will require the sanction of the House from year to year. Therefore, there can be no well-grounded alarm that we are stealing a march on the House by taking authority to erect a fortress in the centre of the country without sanction of Parliament.

With regard to contracts, it has already been explained that it is impossible, without great inconvenience to the public service and damage to the works, to make contracts piecemeal for particular portions of the works. What we have done in the present case is to propose to add to the £800,000 still unexpended of the sum voted last year, a Vote of £650,000, and that will give us money to meet all the demands that will come on the Government between

this time and the end of July next year, when we shall have to propose another Bill, and Parliament will see, by a Return, what has been expended and what remains to be expended on each particular work. I cannot imagine that Parliament will sanction the beginning with a certain work, and then stop short when it is half completed.

Mr. NEWDEGATE said, that on the Report he should move as an Amendment to the Bill to strike out of it the sum proposed for, and indeed all mention of, a central arsenal, because he did not understand the sense of the House voting that there should be an arsenal, when they did not intend to provide the means for it. He was exceedingly glad that he had succeeded in calling the attention of the hon. Member for Liskeard to the terms in which the proposal for the arsenal stood in the Bill, because they were confirmed by the statement just made to the House by the noble Lord. He said that Woolwich was not adapted for fortification, and therefore it was proposed to remove the arsenal to Cannock Chase, which was adapted for fortification, and Sir Harry Jones, in the appendix to the Report on the Defences, said of Cannock Chase, that on that site a considerable expense must be incurred for fortification, and that a considerable expense for the garrisoning of the fortress would be required. It was plain to demonstration, therefore, that the intention was to construct a central fortress. He had before mentioned that he thought the construction of a fortress in the centre of England would excite distrust among the people. They had ceased to be jealous of standing armies; they had ceased in any way to oppose the construction of fortifications for the defence of our coasts; but if a central fortress were constructed, they would begin to think it was intended, not only for so remote a contingency as the capture of London and the sudden retreat of the authorities to a place of security, but they would suspect it was intended as a standing menace to the people. At all events, they would regard it as an expression of distrust of their power and will to defend the heart of England as the Confederates had defended the centre of their States. He was a strong advocate for the defence of the coasts, but he believed that in the time that must elapse between an enemy's landing and reaching the centre of England, there would be time enough to throw up such earthworks

as would be necessary. He had not yet learned so far to distrust the courage of his countrymen as to suppose that a foreign force landing on our shores would be likely to march from end to end of England in so short a period that they could not throw up earthworks, anywhere towards the centre of England, in defence of their homes.

VISCOUNT PALMERSTON: The hon. Member has entirely misunderstood what I stated. He says my statement was, that whereas Woolwich could not be converted into a fortress, therefore we are taking a central point in order to make it a fortress. I said no such thing; nor did any of those who argued in favour of a central arsenal say that. What we stated was, that Woolwich, from its position, is exceedingly exposed; and that if a hostile force were to make its way up the Thames, Woolwich is at their mercy. Therefore, we wish to have a *dépôt* somewhere, removed from that point of attack, and where, from its central position, it may be secure from that danger of a *coup de main* to which Woolwich is exposed. It is not at all necessary to make a fortress; there will be plenty of men and bayonets for its defence between the coast and the central arsenal.

SIR JOHN HAY said, he had so often opposed the fortification of some portions of the coast that he was glad to say a word in favour of a central *dépôt*. The use of the word arsenal appeared to have conveyed the idea of a central fortification, which was not contemplated by the Government. As it was impossible by external works to defend the dockyards and the arsenal at Woolwich from a raid made by an enemy, it was doubly necessary to remove the *dépôt* to a place at some reasonable distance from the coast, where the stores for the defence of the country would be safe from aggression of that kind. Therefore, whether at Weedon or Cannock Chase, he thought it desirable that there should be a central *dépôt* for stores not immediately in use.

SIR JAMES FERGUSSON said, that the Report of the Commissioners had been quoted against themselves in a manner not warranted by the text. Any one would suppose, from the statements of the hon. Member for Liskeard (Mr. Osborne), and the deductions of the hon. Member for North Warwickshire (Mr. Newdegate), that the Commissioners had recommended the formation of a central arsenal involving considerable fortifications; but the reverse was the fact. Sir Harry Jones's letter was

in answer to an inquiry from the War Secretary as to the eligibility of Weedon for the site of an arsenal. That was negatived. The Commissioners were then instructed to select a site for a central arsenal that should fulfil several conditions, one of which was that it should be capable of cheap and ready defence, and the Commissioners chose Cannock Chase, because it was capable of permanent or temporary defence at a small expense. There was not a word in the recommendation of Cannock Chase indicative of its being a place that would require a large expenditure; and it was evident that it was not intended to fortify it at all, except so far as might be necessary for the protection of the valuable articles to be stored there.

SIR DE LACY EVANS said, the hon. Member for North Warwickshire had been misled by the letter referred to, as in the actual Report there was not one word recommending that the central arsenal should be fortified. He hoped the noble Lord would not abandon his intention to provide a central *dépôt*.

VISCOUNT GALWAY said, he wished to know if any arrangement had been made with the proprietors of the land at Cannock Chase, what number of acres the £150,000 which had been already voted was intended to purchase, and whether a further sum was to be asked for. The land would rise in value when it became known that Government wished to purchase it.

MR. BERNAL OSBORNE said, that the Commissioners recommended Cannock Chase as the best site for the proposed arsenal, because it was in an open moorland district and contained about 3,000 acres of land, and offered great capabilities of defence. There could be no doubt that they meant defensive works to be built there, and that that would involve an enormous outlay.

SIR JAMES FERGUSSON said, there was all the difference in the world between a recommendation to fortify the central arsenal and the fact that its site was capable of being defended. The Commissioners selected Cannock Chase as a place which, in case of necessity, could be easily and cheaply put in a state of defence.

VISCOUNT PALMERSTON: If my memory does not deceive me, the hon. Member for Liskeard (Mr. Bernal Osborne), when this question was under discussion the other evening, expressed a decided



opinion in favour of a central arsenal. Why he has changed his mind I know not. He says a central arsenal means a central fortress. I stated a few minutes ago that it did not, and I proved it did not by showing that Woolwich is an arsenal, and could not be made a fortress, and that the central arsenal, while in a stronger and less exposed position will be no more a fortress than Woolwich is. In reply to the noble Viscount (Viscount Galway) I have to state that no arrangement has yet been made for the purchase of the land. Until we come to make a bargain for it, we cannot tell what sum will be required for the purchase.

SIR FREDERIC SMITH said, he understood that there was no intention to have a fortification at Cannock Chase. The place must be enclosed by a wall, and engineers would know how to make it defensible by the form and line which they gave to that wall.

CAPTAIN JERVIS said, he could not comprehend how it was that a central arsenal had not been selected and provided before then, because at Woolwich there were millions' worth of property that could be easily destroyed by a hundred men in half an hour. The hon. Member for Liskeard would have been one of the first to have found fault with the Commissioners if they had recommended a site for a central arsenal that could not be easily defended. Canals and railways could not be called defensive works. Before voting money for works at Spithead they ought to know something about a dépôt in lieu of Woolwich, and he hoped the House would insist upon something being done to provide a central arsenal.

*Clause agreed to.*

*Remaining Clauses agreed to.*

*Schedule.*

MR. C. BERKELEY said, he wished to call attention to the schedule of the Bill of the last Session, in which the sum of £50,000 was stated to be the estimated expenditure for incidental expenses, and which sum had been voted, and to ask the Under Secretary of State for War why it was stated in the schedule of the present Bill that £120,000 had already been voted for these incidental expenses. When he made a few remarks on the same subject last year, he received in reply nothing but a volley of personal abuse from the noble Lord at the head of the Government. It appeared, however,

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by a Return made on the 27th June last year, the estimated cost of the whole works was put down at £5,680,000, including the expenses of the extra staff for designing and executing the works. Last year there was an evident error in the accounts which he felt convinced was owing to a sum of £70,000, described as a balance available for the works, being applied to incidental expenditure. In consequence, the unusual expedient of "cooking the accounts" had been resorted to, and he called on the Government for an explanation.

THE MARQUESS OF HARTINGTON said, that the schedule of last year in the 4th column, purporting to give the estimated cost of works and land, showed on the face of it that the whole expenditure was not there included, because the item of incidental expenses was only taken up to the 31st of July 1862. There was at the same time a sum of £70,000, out of the £670,000 voted, not required for the purchase of land, and therefore available for incidental expenses. That sum, added to the item of £50,000, made up £120,000 for incidental expenses—an amount which he did not think was excessive in proportion to the entire outlay, but which he believed would yet be amply sufficient. The hon. Member had the acuteness to discover a mistake in the schedule of last year, but it should be remembered that it was the first time that the items of expenditure had been scheduled. In the present year there was, he thought, no ground for complaint of any want of clearness or definite information in the schedule.

SIR HENRY WILLOUGHBY said, the Government had £800,000 in hand, and the sum they were now called upon to vote was £650,000. That made the total amount which the Government could expend in the year, £1,450,000. He wished to know whether they conceived that they had power to make any contracts beyond that amount.

THE MARQUESS OF HARTINGTON replied, that no doubt the Government would be able to enter into contracts for sums not exceeding the total estimated cost of the works, the general scheme of which the House had sanctioned. At present, they asked only for the money intended to be expended in the year.

MR. C. BERKELEY said, that as to the £70,000 the explanation of the Government was so far satisfactory. But he would call the attention of the Committee

to the fact, that, according to the Act of last year, it was not lawful for the Government to expend money otherwise than mentioned in the schedule, and they ought not to have applied money voted for works to incidental expenses.

THE MARQUESS OF HARTINGTON said, he wished to remind the hon. Member that the money was voted for "land purchased" and "incidental expenses."

CAPTAIN JERVIS thought, that if the explanation of the noble Marquess as to the making of new contracts was correct, it was idle for the Committee to discuss these questions, for it had no effective control over the Government.

THE MARQUESS OF HARTINGTON : Of course, if the House does not vote the money, we cannot spend it ; but I suppose that when the House has voted money for the foundations, they do not intend to forbid the Government from building upon them ; I therefore say that the Government must be justified in entering into contracts for the whole works. Of course, if the House will not vote the money, the contractors cannot be paid.

COLONEL DICKSON said, the noble Lord the Under Secretary of State for War, and the noble Viscount at the head of the Government, had reiterated the argument, that if they begun the work, they must complete it. That really amounted to saying, that on finding out in the progress of the works that they had committed an error, they must nevertheless go on with it. In short, every word which had fallen from the Treasury Bench had rendered the subject more difficult, and made it imperative to look into the Estimates with more particularity. He wished to ask why they should bind themselves to the item of £150,000 for a central arsenal at Cannock Chase? An enormous price was proposed to be given for what was said to be waste land at Cannock Chase. This would be a perfect waste of public money. Instead of one large central arsenal at Cannock Chase, he would have two or three central arsenals.

SIR MORTON PETO said, he rose to move the omission from the schedule of the following items, relative to the works at Spithead—namely, Horse Sand Fort, £25,000 ; No Man's Land, £25,000 ; and Stourbridge, £25,000. He was aware that he made the proposal under a great disadvantage. It must be remembered, however, that the Government had invited discussion. If he had depended upon his

own knowledge, he should have despaired of carrying the Committee with him. The Government, however, had published the Report of the Commission, and given the whole of the evidence upon which that Report was founded, and he relied upon these documents, as showing two things :—First, that the Commission practically condemned the works for which the Votes in question were asked ; and second, that the evidence upon which the Report was founded did the same thing. He hoped also to show that nothing had occurred to alter the position of the question since the House had decided, on the Motion of the hon. Member for Liskeard last year, which he had the honour to second, to delay the construction of the works until the value of iron-clad vessels for purposes of defence had been more fully considered. The noble Lord the other evening had, indeed, stated, that they had guns which would penetrate the *Warrior* target at a distance of 800 yards, and that, no doubt, that distance would soon be increased to 1,000 ; but unless they had guns that would penetrate at a distance of 1,000 yards, these forts would be practically useless ; because, while guns would only penetrate at 800 yards from forts on either side, a channel of 400 yards would be left in the centre through which a vessel could pass in safety. The noble Lord had also referred to the experience derived from America, during the last year. He was prepared to submit that there had been nothing which had, in the slightest degree, affected this question. Iron-clads had passed the forts on the Mississippi comparatively unhurt ; and, with regard to Charleston, the harbour was so shallow that the Confederate forces were enabled to drive rows of piles, which not only prevented further progress, but kept the iron-clads for thirty minutes under the fire of the fixed forts. At Spithead, however, it was utterly impossible to form any such obstruction. He wished to call the attention of the Committee to one point on which the whole question turned. It was almost impossible to hit a vessel running fourteen knots an hour from a fixed fort. Why, even at twelve knots an hour the vessel ran nearly 400 yards a minute. And that presented an almost insuperable difficulty in the way of fixed forts, so far as the protection of harbours was concerned. He begged to call attention to the evidence of Captain Sullivan, Admiral Dundas, and Captain Hewlett, who did not think that forts would prevent the passage of iron-clad

vessels. Captain Sherard Osborne's opinion was equally strong and even stronger. He stated, that with wooden gunboats running eight knots an hour he would undertake to pass between the forts, and not one shot in two hundred would have the slightest chance of taking effect. The Commissioners themselves stated their conviction that no practical amount of fire from batteries could be depended upon to stop the passage of steamships if the channel were clear. The case remained, therefore, just where it was last year, and the Government were bound again to suspend these works until some fresh evidence or some new light could be thrown on the subject. He entirely admitted the importance of sea defences; he would be the last in the slightest degree to weaken them; but he did not think the forts, if constructed, would practically add to the permanent defences of the country. No additional defence would be incurred by the delay of another year with regard to them, and in the mean time they might proceed with those works which were not objected to. The hon. Baronet concluded by moving the omission from the schedule of Horse Sand, No Man's Land, and Stourbridge Forts.

Amendment proposed, to leave out the words "Spithead.—Horse Sand Fort, £25,000."—(*Sir Morton Peto*.)

SIR JAMES FERGUSSON said, he was afraid that the prejudices of the hon. Baronet who had just addressed the Committee against the construction of marine defences were so deeply rooted that nothing could ever remove them, if nothing which had occurred within the last twelve months had been able to remove them. The very witnesses whom the hon. Baronet had cited to establish his case gave as their chief reason for objecting to such defences as were proposed at Spithead the great uncertainty that existed at that time as to any improvement that might be made in guns, and they said it would be folly that large sums of money should be expended upon forts, until it was ascertained whether those forts could be armed with guns that would be effective against armour-plated ships. The hon. Baronet was indifferent as to any improvement, but he thought he could show that the objections which the hon. Member had made were unfounded, and that the authorities upon which he relied were really against him. The hon. Baronet had referred to an isolated case, in which iron-cased vessels had passed the

forts on the Mississippi with impunity. But it was well known that in the case referred to the exploit was only performed with extreme difficulty and after many failures. The vessels which did pass the batteries on the Mississippi only succeeded in slipping by them in the darkness of night, and at a place where no obstructions could be placed such as formed a necessary part of those defences. But the great bulk of arguments founded upon the experience of America were against the position which the hon. Baronet endeavoured to maintain, who had again asserted what had been repeatedly denied, that the Federal ships were prevented from entering the harbour of Charleston by fixed obstructions. The noble Lord the Under Secretary for War had told them that he did not believe there were any such obstructions, and it was certain that the Federal ships never got as far as the place where the obstructions were supposed to be laid down. The hon. Baronet said no obstructions could be placed at Spithead, and quoted the Defence Commissioners to that effect. That was an instance of the garbling of quotations, and of reading evidence the wrong way which had been indulged in upon this subject. In the audacious pamphlet published by the hon. Baronet last year he quoted a passage from the Report of the Royal Commissioners, to the effect that the utility of a boom across so broad a channel was doubtful. But the opinion of the Commissioners was given only with reference to the proposition of one witness, and applied only to the case of a boom unsupported by forts at either end. But at Spithead it was proposed to build there new forts which would prevent a boom from being burned by a hostile fleet. The hon. Baronet quoted the hon. Member for Wakefield (Sir J. Hay) whenever it suited his purpose; but they did not agree in their views. The hon. Baronet the Member for Finsbury despised wooden ships, and thought nothing would do but iron ships, while the hon. and gallant Member for Wakefield recommended that the fifty or sixty wooden line-of-battle ships now lying in our harbours should be coated with iron plates, and thus be converted into blockships. The hon. Baronet said that forts would do nothing for the permanent defence of the country, but none of the witnesses agreed with him, although some of them thought that an increased number of ships would be better. When it was pointed out that an increased number of ships would be more costly than forts, they

said that they did not consider the question of expense; but the House must consider expense; and believing that the Spithead forts would afford an effective means of defence at the least cost, he proposed that those means should be adopted. He did not wish to say anything harsh of the hon. Baronet's pamphlet, although in it very strong language was applied to other parties; but the contents were so extraordinary, that he could not believe the hon. Baronet had written it himself. He rather thought that the hon. Gentleman kept a poet who had undertaken to garble the evidence which he professed to quote. There was an extraordinary mis-statement of one portion of the Commissioners' Report. Sir William Armstrong was represented as saying, in reference to the difficulty of hitting moving objects, that vessels would offer so small a mark at a distance that even the increased accuracy of our most improved rifled ordnance would offer little risk to vessels in motion. But Sir William Armstrong said "such vessels," referring to small vessels armed with a single gun each. The great point in regard to these forts was that heavy ships must keep in a certain channel, and therefore must pass within a certain distance from batteries which, by their converging fire, might sink them. But in the Report of 1860 it was assumed that the forts would be an assistance to the ships in case a fleet inferior to that of the enemy were lying in Spithead roads. The evidence of the hon. and gallant Member for Wakefield had been quoted by the hon. Baronet to the effect that the forts would not be a very cheap defence, and he recommended a boom; but that would not do for the hon. Member, who was all for iron ships. The hon. Baronet quoted Captain Sullivan as having said that he always considered the outer forts as secondary to the inner line; but he omitted to say that Captain Sullivan added that with a new range of guns the forts would be so open to attack by a flotilla that we should have to depend upon our naval forces to keep it off, and therefore he looked upon the forts as likely to afford great assistance to any naval force defending the entrance. The hon. Baronet also quoted Captain Hewlett as having said that no forts could prevent iron-built ships entering and taking possession of the dockyards; but he omitted an answer in which he stated that forts would be a valuable assistance to ships taking refuge, to an inferior fleet, or in case of sorties. The hon. Baronet also

quoted the hon. and gallant Member for Chatham. But that hon. and gallant Gentleman had stated, that for twenty years he had been considering the question of defence, and he never doubted that forts should be constructed for the defence of Spithead and Portsmouth harbour. It was only since the battle between the *Merrimac* and the *Monitor* that the hon. and gallant Gentleman changed his opinion, and said that the defence of Portsmouth might in a great measure be left to such vessels and to shore batteries, which might be heavily armed. But when the hon. and gallant Gentleman was asked whether his preference for Chatham had influenced his mind in wishing to see the Spithead works stopped, he candidly admitted that it had. It had been pointed out by the Commissioners that the great advantage of having such a harbour as Portsmouth defended would be, that if our fleet at sea were greatly damaged, it might take refuge there, and refit in perfect safety. The hon. Baronet the Member for Wakefield being asked whether the forts would be useless, said he did not think so at all; but he would like to see enough of them built closely together. If they studded the anchorage at Spithead with forts a thousand yards apart, so that an attacking ship would be only five hundred yards from a fort, the hon. and gallant Gentleman said it would be a good defence. But at that time they did not believe they could pierce the *Warrior* target at two hundred yards' distance, whereas now it had been burst at the distance of eight hundred yards, and its back set on fire by the Whitworth gun. Sir William Armstrong stated that he was perfectly convinced that he should make his large gun equally effective at 1,300 yards, and that the same gun rifled would accomplish the same results at 3,000 yards. He consequently maintained that those conditions which the hon. and gallant Member for Wakefield and other officers required had now been attained, to such an extent that not only a much greater force of artillery might be expected, but that even with the present force the forts would prove most powerful. He had stated, on a former occasion, that it would be absurd for this country to stand alone in a disregard of what was being effected by all other nations in respect to fortifications; and he wished to direct the attention of the Committee to a valuable report which was sub-

mitted last year to the American House of Representatives, and which showed how efficiently forts and floating defences supported each other. This country desired to keep peace with all mankind, but it had to protect the most valuable commerce in the world, offering the greatest possible temptation to an enemy; and it would be a fatal thing if by any mischance the British navy should meet with a check, and nothing then should be left between an invader and the peaceful homes of the people of this country.

THE LORD MAYOR (Mr. Alderman ROSE) said, that as representing the views of his constituents, he wished to observe that if the question before the Committee had been a question of the original selection of Portsmouth as the great naval arsenal and shipbuilding emporium, it might have been open to debate; but when that naval yard had long existed, and had grown to its present dimensions, and when the House had voted large sums of money to correct the natural disadvantages of its situation as regards inland defence; it would be unwise and suicidal to leave that great establishment open to approach from the side of the sea. So long as power of artillery against armour plates was in dispute the policy of erecting forts might also be doubtful; but that question having, in the interval of time which Parliament had taken to consider, been decided in favour of gunnery, there could be no doubt as to the importance of the forts. It had been shown that they had got a gun now that could smash through the *Warrior* target at 800 yards, and it did not require a professional man to discover that hostile ships approaching Portsmouth would be stopped at the very point where these guns would tell with effect. The only condition to make them absolutely effective was a firm flooring to give certainty to the aim, and that object was to be obtained only by a fixed battery, for the smallest ground swell made the aim from a floating battery uncertain. As to the matter of speed, the whole thing had been demonstrated in America. The American fleet had had to force rivers with all sorts of impediments thrown in their way, and it was notorious that the screw of a line-of-battle ship was the most vulnerable thing in the world. Similar obstructions could be provided at Spithead to bring an attacking vessel up at point-blank range. The only objection raised to these forts, and it was a serious one, was, that a foundation

had to be got; but if the hon. Baronet (Sir M. Peto) had the contract for the work there was no doubt he would find a firm foundation. The only question was one of expense, but after all the money that had been spent at Portsmouth he deprecated any abandonment of those works which were necessary for its defence merely because certain persons were enthusiastic in favour of iron-plated ships. He believed that the proposed forts would be placed in such a position as to protect the Solent and the entrance to Southampton as well as Portsmouth, and he should therefore support the plan recommended by Government.

CAPTAIN JERVIS said, that they were dealing with a sum of £750,000, and the real question was whether £27,000 spent in foundations should be relinquished and the works not proceeded with. Last year the House was unanimous upon the point, and he denied that since that time there had been any fresh information which should lead them to change their opinion. Much stress was laid upon the power of the Armstrong gun in 1859, but since then great improvements had been effected in the construction of iron-plated ships. Almost all authoritative witnesses, whether military men or civilians, concurred with remarkable unanimity in the opinion that you must come to close quarters with the enemy in order to give full effect to your artillery. With all their endeavours they had as yet not got a gun which could pierce an iron-plated ship at 1,000 yards, while hostile vessels could keep out of the range of the proposed forts, and yet attack their shores. It was absurd to waste money on immovable masses of masonry, when they might have ships which could follow the enemy. There was no comparison whatever between Charleston and Portsmouth; and he had not observed a single feature in the operations of the American war which furnished an argument in favour of forts. He trusted the Committee would not agree, in a spirit of false economy, to throw away more money on these works, merely because so much had been sunk in them already.

MR. LINDSAY said, he altogether objected to the assumption upon which the debate seemed to proceed, that they had no ships capable of meeting invaders at sea, and had consequently lost their naval supremacy. As to the ru-

spective powers of ships and forts, he knew that foreign commanders declared that they would have no hesitation in running the gauntlet of forts, each 1,000 yards apart, with an iron-clad ship. A young naval officer who took part on the Confederate side in the operations at Charleston, told him that if the Federals had only had ships as good as ours, and had known how to handle them properly, they could not have been kept out of the inner harbour. As it was, the Federals suffered more from the temporary obstructions thrown in their way, than from the permanent works. He held the fortifications now under consideration to be quite unadvisable as an unnecessary expenditure of the public money.

MR. NEWDEGATE said, that they ought first to see what was required to be done, and then what they could afford to do. The question before the Committee was not one of mere science, for although science might prescribe a sufficient number of iron-plated ships to protect every port in the country, England would not bear the expense of maintaining a sufficient number of ships in commission to guard the whole coast constantly in that way. There could be no doubt, that if any attempts were made against this country in the way of invasion, descents or feints would be made on various parts of the coast at the same time. What they had to do was to provide for the protection of the whole coast, and that they could not do without forts, because these forts would diminish the number of ships necessary for the defence of Portsmouth, Plymouth, and the other centres of our naval strength, and every ship thus spared from the defence of Portsmouth or Plymouth would be available for the defence of other places. They might depend upon it that they could not give the required protection to the country more cheaply than by the construction of the maritime defences recommended by the Committee on the National Defences. It was idle to say that the power of artillery was not to be measured against the power of resistance possessed by forts. All the circumstances of the case must be taken into consideration in deciding upon a question of that nature. If they could, by the construction of forts, and by liberating a large number of iron-clad vessels, satisfy the people that they were providing for the defence of the coasts and outports, their feelings would be enlisted in favour of

the plan. The House might vote any practical sum for the construction of iron-clad vessels; but the maintenance of ships with their crews, was a far greater and more constant expense than that of forts; the temper of the people might change, and then the value of having provided permanent defences would be manifest. The people would then see that Parliament had done what it could do for the defence of our shores, on the most economical terms, and would be content, if our harbours required additional defence, that more ships must be provided for the purpose.

THE MARQUESS OF HARTINGTON said, that although he did not think a great many arguments had been used which required answering, he rose for the purpose of continuing the debate, because by-and-by when the dinner-hour had passed, they would probably have a lively and amusing speech from the hon. Member for Liskeard (Mr. Bernal Osborne), who was not overfond of addressing himself to rows of empty benches. It had been said by the hon. Baronet the Member for Finsbury (Sir Morton Peto) that nothing had happened since last year which should induce the House to change its opinions on the subject of forts. Now, although he did not rest very much upon the events which had taken place in America, yet he thought that what had occurred at Charleston told quite as much in favour of the views entertained by the Government as the occurrence in Hampton Roads last year between the *Merrimac* and the *Monitor* told against them. Charleston was in one or two things analogous to Spithead. The forts were the same distance apart. It was true the iron-clad vessels were not of the same quality as they would probably have to encounter, but he maintained that the artillery mounted on the Charleston forts was not of the same quality as that which would be mounted upon the proposed ports. He might also observe that it was perfectly competent to place obstructions at the entrances of English harbours considerably stronger than those put down at Charleston, and it was an entire misrepresentation of the recommendations of the Commissioners to say they proposed to neglect putting obstructions at the entrance of Portsmouth Harbour. The Committee ought to remember, moreover, that when the question was before the House last year, the *Warrior* target had not been penetrated at any distance greater than 200 yards. Such was no longer the case. Interesting experi-

ments had been made at Shoeburyness, and the following was an account of them from the Report of the Iron-plate Committee, of which the hon. and gallant Member for Wakefield (Sir J. Hay) was Chairman:—

“The most conclusive experiment as yet made was on the 18th of November 1862, when the Whitworth 120-pounder rifled gun, at a range of 800 yards, sent two shells, each weighing 150 lb., and containing a bursting charge of 5 lb. of powder, completely through a box target of the *Warrior* section, bursting in the backing, and making a hole  $7\frac{1}{2}$  inches in diameter in the armour plate, and 10 inches in diameter in the inner skin, and throwing many fragments of iron inside, amounting after the first shell to eighteen bolt-heads, eight rivets, and eleven pieces of plate and angle iron; and after the second shell, to twelve bolt-heads, seven rivets, and five pieces of plate and skin. The first shell broke into twenty-three pieces, the second into nineteen. A shell weighing 130 lbs., with a bursting charge of 3 lb. 8 oz., penetrated the armour plate, and seemed to burst just as it broke the skin, making a large irregular hole 14 inches in diameter on the inside, and the whole of the fragments, nineteen in number, passed through to the inside; twelve bolt-heads, seven rivets, and a great many pieces of plate and skin were found inside in fragments. A solid shot weighing 130 lbs. completely penetrated the target, making a clean hole 8 inches in diameter in the armour plate.”

It had been said by the hon. Member for Liskeard (Mr. Bernal Osborne) that the gun burst afterwards. Not only that gun, but a great many other guns burst, but that fact only proved that those particular guns were not perfect. The experiment showed what a gun could do, and he might say that to prevent a gun from bursting the only thing was to put a little more metal in it. He understood that the Armstrong gun had not been tried at the same range; but no doubt, if it had, the effect would have been still more striking. The following on that point was a deduction from the Report of the Iron-plate Committee:—

“There is no doubt that a much greater effect would be produced with the Armstrong 300-pounder at the same range, and with a missile of the same description of metal. The velocity with which the Whitworth 120-pounder shell, fired with a charge of 27 lbs. of powder, struck the target, was 1,180 feet per second. The initial velocity of the Armstrong 300-pounder is about 1,300 feet per second, and allowing for a diminution of 100 feet in its flight through 800 yards, it would at that range have about the same velocity as the Whitworth 120-pounder, with two and a half times the weight of missile. There is, therefore, now no doubt whatever that at 1,000 yards, which is the greatest distance at which a ship can pass between the two outer Spithead forts, her sides could be pierced by projectiles from 300-pounder guns.”

*The Marquess of Hartington*

SIR FREDERIC SMITH said, he wished to ask by whom the deduction had been drawn?

THE MARQUESS OF HARTINGTON said, he did not know, nor was it of any importance, seeing that the facts were indisputable. He had no doubt that the hon. and gallant Member for Wakefield would admit that the deduction was a perfectly correct one. Hon. and gallant Gentlemen had accused the Government of being as one-sided and narrow-minded as he would venture to say they were themselves upon the subject. It was, of course, very natural that naval officers should be of opinion that for attack or defence there was nothing like ships. Every officer was inclined to exaggerate the importance of his own particular branch. Neither the Commissioners nor the Government had ever recommended, that floating defences for their harbours and dockyards should be neglected. On the contrary, in their first Report the Commissioners asked leave to appoint, and they afterwards did appoint, a sub-Committee of naval officers to consider what was the best form in which such floating defences should be provided. The Government were not narrow-minded advocates of forts alone. All they recommended was, that a system of forts should be combined with floating defences. If hon. Gentlemen would look over the evidence taken, they would find that with the single exception, he believed, of Captain Coles, there was not a witness who did not at least acknowledge that forts would be a valuable auxiliary. He said, then, that the opponents of forts were somewhat narrow-minded, because they saw no advantage whatever in anything but their favourite floating defences, and ignored the value of fixed forts when properly used. It might be said that they ought to trust to the navy alone, and that if the navy were made sufficiently strong, they would not want either fixed defences for their harbours or fortifications by land, or even Volunteers or militia force, and might reduce the army to the lowest possible amount. But if they were to trust to the navy alone, they must make it superior not only to the navy of any one other Power, but superior to the naval strength of any combination of Powers which might be brought against them. They must have a navy able to go to the strongholds of the enemy and destroy his fleets there—which would not be found so easy a thing to do, because other nations, wiser than they had

been, would have defended their arsenals, dockyards, and roadsteads by fortifications—or they must keep at sea a force equal to encounter any force which might meet it, and also maintain for the protection of their arsenals and dockyards a force equal to any force which might slip past their fleet and come in to attack them. Some hon. Members would, perhaps, be prepared to vote the increased Estimates that would be necessary to support a navy of that kind; but he did not think that the hon. Member for Rochdale, who was so angry at the scheme for fortifications, or any of his friends, would be inclined to do so. But, supposing such a large extension of the navy to take place, how would it be regarded by other States? However strictly defensive they might themselves deem it, it was to be feared that other Powers might view the naval preponderance it would give them as something in the nature of a menace. They might look upon it as some evidence of an intention to commit aggression, and therefore proceed to bring up their own navies to the same standard as that of England. If, then, the House were not ready enormously to increase the naval force, the most prudent and economical course was to adopt the system recommended by the opinions of the best professional advisers the Government had been able to obtain—namely, not to trust for the defence of the dockyards and roadsteads, which all acknowledged to be vital points, exclusively to the ships which they might at any moment be able to get together to resist an attack, nor either to trust to fortifications exclusively. The Government proposed to rely first and mainly on the navy, which must be their foremost line of defence; next they proposed to trust the defence of the arsenals also to the small and less expensive class of iron-clad floating batteries; but they likewise proposed to assist and strengthen these other means of defence by the erection of fixed batteries. His noble Friend did not wish to do anything to impair the efficiency of the navy. Let that arm of the service be kept up at as high a standard as they pleased. Yet that ought to be done out of the revenue of the year. No ships, of whatever materials constructed, could last for ever, or anything like it. Besides the first heavy cost of building them, they would have to meet a considerable annual expense for their repair. On the other hand, forts once erected, would permanently endure, and the outlay upon

them might, therefore, to a certain extent, be fairly thrown upon posterity. But to increase the navy in such a way would be to act upon a principle which they had never yet adopted, and which, he thought, the Committee would not be inclined to adopt then.

SIR DE LACY EVANS said, that while he would admit that he was practically unacquainted with the details of the construction of forts for sea defence, he could not help arriving at the conclusion, from all the accounts he had seen, that the great garrison of Portsmouth was peculiarly exposed, and that there was practically no means of defence in the event of any sudden war taking place. Under those circumstances, he thought the Government were perfectly right, relying on the counsel of scientific advisers, in providing some means of defence for that most important post, even at the risk of incurring some necessary expense.

SIR FREDERIC SMITH said, he was quite as anxious as his hon. and gallant Friend (Sir De Lacy Evans) to see Portsmouth perfectly secure. At the same time, he wished that hon. Members could see the works which already existed for the defence of the Solent. If they had seen them, they would not come to the conclusion that there was any want of protection in that quarter, inasmuch as there was a line of fortifications extending for several miles along the shore. There were several most powerful forts, such as Fort Monkton, Black Horse, Eastney, Lump's, Fort Cumberland, Southsea Castle, &c., and he should be glad to know from any hon. Member what more was wanted for the defence of the Solent than was already provided; and if the works were so strong and so powerfully armed that vessels could not remain there within fair bombarding distance of the dockyard, was it, he would ask, likely that they would come there for the mere purpose of a bombardment? So far as the ranges at which targets had been hitherto pierced was concerned, it should be remembered that at Shoeburyness the targets were at right angles to the shot; but in the case of ships it would strike on a curved line, in which case it would generally fly off, and not penetrate. They had been for the last four years trying experiments, but they had not yet tried them at 1,000 yards, nor had they ascertained what the result would be of shot falling on a curved surface. Much had been said, as if it were supposed that an



enemy's ships would come in by daylight to attack Portsmouth; but would they not, he would ask, come in by dark, and if they did come in by dark, would they be likely to be seriously damaged by the fire of the proposed forts? It was proposed to have 360 guns in the Spithead forts, but it should be borne in mind that a great many of them would not bear at the same time on the same point. Then again, let the Committee consider the number of experienced artillerymen which would be required. They could not make good artillerymen in a hurry. It was a process which required time, and to strike vessels passing with any velocity would require most expert artillerymen. It was stated on the authority of Colonel Bingham, the Adjutant General of the Artillery, that they would require ten men to work each gun; and that being so, it was quite clear that there would be great difficulty in manning the forts with first-rate gunners. They were told that Charleston was to be a lesson to them, and that the battle there proved that ships could not force a passage. How was it to be a lesson to them? They were told, forsooth, that the guns at Fort Sumter were of a light character, and that they even had done good service. But they were 10-inch Columbiads and 8-inch Dahlgrens. The 8-inch Dahlgrens, they were told, would throw 68 lbs., and of course the 10-inch would throw shot of heavier weight. In the case of an attack on Portsmouth they would have ships heavily cased with armour, and they would have in the forts perhaps the largest Armstrongs and Whitworths which could be contrived; but it should not be forgotten that beyond a certain distance those guns would not act very injuriously on a vessel. They would wound her, no doubt, if she came in by daylight, but there were instances innumerable of wooden ships being repeatedly struck by an enemy's shot and still fighting on. For his own part, he ventured to say that the forts, however useful—and he did not mean to contend that they were of no use—would not be of a use commensurate with their cost. The noble Viscount had talked the other evening of libelling the Volunteers. So far from wishing to libel that force, he thought its establishment would prevent invasion, and supersede the necessity of constructing the expensive works of fortification now proposed by the Government. When the panic first seized the Government, the navy was in a most unsatisfactory state: they were about to reconstruct it. There

*Sir Frederic Smith*

was no Militia. There were no Volunteers. Now they had a Volunteer force of 150,000; and those who had seen them under review must admit that they had made great progress, and were very efficient. What was of greater importance, the artillery was in an excellent condition. When Lord Hardinge was at the Ordnance as Master General, he reported to the Government that they had no field artillery. They had, in fact, only a very small number of guns fit for the field. Now, their artillery was most efficient. The few field guns they had then were inadequately horsed; now they were well horsed. Nothing in the world could surpass their artillery. They could, without the slightest difficulty, send 120 or 130 guns down to the sea coast in a few hours, and where was the enemy that could bring such an artillery force and land it for immediate action? Then, as to cavalry, the noble Lord knew what force they had in the country. Invasion he therefore held to be utterly out of the question. Bombardment was another thing. The bombardment of Portsmouth dockyard would not involve its destruction, but only that of storehouses in a limited degree. An enemy could not come into the Solent and remain there long. The Channel fleet might be dispersed for a time it is true, but they would speedily concentrate, and would run into the Solent and catch the enemy there. The enemy would also be exposed to the heavy guns along shore. The coast defences were armed with guns of the best description and the heaviest calibre. They had 13-inch mortars which ranged 5,000 to 6,000 yards, and no ships could long remain under their fire with impunity, and the harbour gunboats would assail them in force, and drive them from their anchorage. But the noble Marquess said those who supported the Amendment were narrow-minded; well, but the noble Marquess had himself voted for a similar proposition, he must therefore have met with advocates who had persuaded him to change his opinion. He hoped they would have another year to consider the matter. It did not press. There were other points, enough on which to expend the money the House was prepared to Vote. With regard to Woolwich, the noble Lord could not recently have read the Report of the Commission. There schemes were recommended which would cost £3,000,000, or £1,500,000, and £500,000 respectively. The latter sum was reported to be sufficient to construct a work on Shooter's

Hill, which would entirely prevent any hostile force getting into Woolwich, and would also act on the flank of an enemy marching upon London. He hoped it was not contemplated to remove the factories at Woolwich, which it would cost £2,000,000 or £3,000,000 to establish elsewhere. He trusted the plan of the Government was merely that stores as completed at Woolwich should be removed to Cannock Chase, or somewhere else inland, where they should be safe from a *coup de main*. The approach to Woolwich might be made perfectly secure. Batteries well placed in the narrow parts of the river Thames could stop ships, though they could not when the interval between the batteries on opposite shores exceeded 1,500 yards. He hoped some of the money in the schedule, instead of being applied to the proposed Spithead forts, would be applied to Woolwich, where the property was as valuable as at Portsmouth, and more likely to be destroyed. An enemy must be in possession of Portsmouth for some time to destroy the dockyard. It was extremely difficult, as shown in the case of Sebastopol, to destroy solid masonry wharf and dock walls. It required great art and considerable time. He thought he had stated strong reasons why Government should not press forward these forts. If asked whether Chatham had any influence with him, he would admit that it had a great influence; because Chatham might be made secure without difficulty and at a comparatively very small expense, because it was clear that an inland dockyard must be more secure than a dockyard on the seaboard. He should certainly vote with the hon. Baronet who had proposed the reduction of the Vote. He did not doubt the accuracy of the Estimates, which he knew had been very carefully prepared. His hon. Friend had spoken of difficulty about the foundations, but he did not think that there was any difficulty in that respect which engineering skill could not surmount, and he knew that before the plans were matured very precise soundings were taken. At the same time, he hoped the noble Lord would see that the moment had not arrived for the construction of these forts, for that moment could only arrive when our navy had ceased to be as formidable as that of France. One word more. The question of the probable issue of engagements between ships and shore batteries was often not clearly stated, and sometimes not understood. As a general rule, it might be received, that iron-clad vessels, with the tide

in their favour, could run past within range of any battery, however heavily armed; but that if they could be detained for any length of time opposite to a formidable shore battery within eight or nine hundred yards, they would receive serious injury, unless they could be rendered shot and shell proof. Again, in an action between an iron-clad vessel at anchor or under weigh and heavy guns ashore, the advantage would be with the latter, if protected by iron shot proof parapets; and the more especially if the shore guns, instead of being placed in one battery, were separated, and placed in two or three contiguous batteries; and with this arrangement the result would be in favour of the shore armament whatever the range might be.

MR. BONHAM-CARTER said, he thought the speech of the hon. and gallant Member, so far from being against the forts, offered the best apology for them. One argument advanced was, the great improvement in artillery, which would enable the land forts to fire 300-pounders with a range that would make it very dangerous for a fleet to run in. But that was an argument in favour of those forts which could fire 300-pounders at a less distance. Then again, it was said that each gun would require ten skilled artillerymen, who would require at least eighteen months' training; but he thought that only two or three of the men at each gun would require to be so highly trained. But much of the opposition to the forts was based upon the assumption that all conditions would be favourable to an enemy, and that there should be nothing but these forts to resist an attack. It was argued that vessels running twelve knots an hour would incur no great risk, and that moreover the attack would be made in the darkness of night. That, of course, was assuming that all their own vessels were absent, and that an enemy had such entire command of the sea as to choose the day or night at his pleasure without any interference on our part. But in fact the power of the navy would be increased by the construction of these forts. It was said that their ships ought to be watching Cherbourg or any port in which a hostile force might be collected, and they would be so employed. What would be needed at home would be floating batteries to defend the fair way, and of course vessels of that kind would be provided according to the Commissioners' recommendation. The range of guns was continually increasing, and he found that for every additional

100 yards' range an additional area of 120 acres was covered. It had also been argued, that if wooden ships could run by forts, so much more easily could iron ships do so. But the latest experience showed, that while a shot striking a wooden vessel seldom inflicted any injury greater than could be remedied by plugging, a shot striking an iron plate damaged the whole plate and caused it to "buckle." In America an iron-plated vessel had recently been disabled by five shots. In the modern iron ships there were turrets or other contrivances to protect the gunners; but a single shot would be sufficient to damage the machinery of the turret and to render it immovable. Thus, although there might be less loss of life on board iron ships, the fire from forts might do them greater injury. Another fact in favour of forts was that they were a greater evidence of a desire for peace than ships, which might be used for aggressive purposes; and, manned as they probably would be to a great extent by Volunteers, they would be in strict conformity with the Volunteer motto, "Defence, not defiance."

Mr. BERNAL OSBORNE: I apprehend that the Motion of my hon. Friend the Member for Finsbury does not call upon the House altogether to refuse the Vote, but to suspend the consideration of it for the present. I must beg to point out that this is a totally new question. It is true, that on the 4th of April 1862 a Motion was made to suspend the consideration of this question until we had further experience of the effects of improved gunnery and iron-plated ships. I have never myself denied that the protection of our dockyards against attack from sea should be the first consideration in providing defences. But the Government have not given us any plan to prove the immediate necessity for the erection of these forts, and my complaint has been, and is, that the Committee is not in possession of any evidence to warrant them in wasting these enormous sums of money, and that no reasons have been given by the noble Marquess the Under Secretary why he should now term narrow-minded the arguments which were used last year when he supported me in two divisions. These forts were suspended in April last year in deference to the almost unanimous wish of the House, and in the month of July in the present year, when the edge of the Session has been taken off, the noble Lord comes down to the House and asks us to vote for

these forts, without showing any reason for a change of views. The noble Lord appears to have totally forgotten that the Commissioners to whom the question was referred back said, that, under all the circumstances, the doubt which appeared to have taken possession of the public mind as to the expediency of the two forts at Spithead was not unreasonable. If the Commissioners acknowledge that it is not unreasonable for the House to doubt whether these forts should be erected or not, it is not unreasonable to suspend operations until we know more of improved cannon and iron-plated ships. My objection is that the estimate is incorrect and imperfect. When the forts were first projected, the Commissioners recommended the construction of five forts. For some reason, unknown to the House, the number has been reduced to three. The total estimate for the defences of Portsmouth, including five forts, was £1,192,000. But the forts were to be formed of granite alone. What do they propose to do now? They propose to reduce the forts from five to three, and to have the forts of granite faced with 10-inch wrought-iron plates. I say that the addition of the iron plates will double, if not treble, the cost, and that there is no correct plan and no correct estimate of these forts.

I was surprised to hear from a gallant Officer opposite (Sir J. Fergusson), not a criticism on the forts, but a laboured, long, and tedious criticism of the book of my hon. Friend, and I was surprised to hear him use extraordinary terms. He talked of garbling evidence. I think I never heard an instance of garbling evidence more glaring than that with which the hon. and gallant Member favoured the Committee to-night. He quoted Captain Hewlett as an authority in favour of these forts, and he stopped at question 250. He should have read question 252. Captain Hewlett is an officer who was in command of the *Excellent*, and must necessarily have a better idea of gunnery than any other man. To show what a tremendous garbler the hon. and gallant Member, who talks of garbling evidence, is, I will just read question 252. Captain Hewlett is asked whether, supposing the largest possible sum to be granted, he would not appropriate a part of it to permanent defences, and he says, "I am not sure that forts would be of sufficient service to warrant any large sum being spent upon them."

The additional reasons given for resum-

ing the works at Spithead are two. The first is the Charleston attack. The reason of the noble Under Secretary closely resembles the reason of Fluelen—that Macedon and Monmouth were very much alike. There was a river in both, and salmons in both rivers. What similarity is there between Charleston and Portsmouth? I am advised that the approaches are entirely different. The approaches to Charleston are circuitous. The distance between Fort Moultrie and Fort Sumter is 1,700 yards. The distance between the two Spithead forts is 2,200 yards—a most material difference in considering this question. Charleston is not a naval arsenal. At Portsmouth there must necessarily be free ingress for ships. At Charleston, I am told, the entrance was blocked up, only leaving sufficient entrance for a single ship. At Spithead the entrance is quite straight, with a tide-way three miles broad, and ten fathoms' depth of water. The Commissioners say expressly that it is not physically possible to impede the entrance without the risk of destroying the harbour. The hon. and gallant Gentleman, who imputes garbling to my hon. Friend, says, "Why not lay down a boom;" and it seems to be assumed that this House will have no regard to what money is spent. As to the cost of a boom the Commissioners say—

"The cost of a barrier of this description, without the battery, 2,200 yards long, is shown by the estimate accompanying the plan to be nearly £608,035, including the shore moorings; with the battery, irrespective of the guns and their fittings, the cost would be £761,717. The Committee do not believe that floating barriers, affording great probability of success when attacked, or of withstanding the stress of weather to which they would be subjected, could be constructed at a less cost than the sums estimated for the Channel between the Horse and No-man's-land shoals at Spithead, upon which the Committee understand it is intended to erect powerful forts; and at high water there would still be a broad passage of sufficient depth for the largest vessels between each of the shoals and the land, which, unless blocked up, would render the floating barriers useless."

No one is so mad as to propose to block up the channel at Spithead, which must always be a place of anchorage, and the Commissioners prove that it is impossible to block up the channel without you block up the harbour altogether. So much for the likeness between Charleston and Portsmouth.

Let us see what was the powerful Federal fleet which attacked Charleston, and what was the armament and what the speed. This Federal fleet consisted of

only ten vessels, and their armament was Dahlgren guns—very inferior to any guns which we have; and the speed, having no masts or sails, was not more than seven knots an hour, and the plating was of the worst possible construction, being of various thicknesses of iron, bolted together, such as we have reported against long ago. Is this the sort of fleet which you would expect to attack Spithead? By an ingenious contrivance the Federal ships were all made stationary within a range of 500 yards, and, of course, the forts punished them at their leisure, and the result of the firing from the ships was that only one man was killed and nine wounded in the forts. So much for the Charleston argument.

Let us come now to the "great gun" argument, which, after all, is the first point for the Committee to consider. I am ready to grant, if the noble Lord has got a gun which will pierce a vessel in motion at 1,000 yards, my argument is gone, and you may build the forts at once. But first catch your hare, and you have not caught it yet. I deny that you have got a gun which will pierce a moving object at 1,000 yards. We have gone to an enormous expense in these guns. I believe I am under the mark in saying that we have spent £3,000,000, and I believe that at this present moment you have not got a gun above a 40-pounder of which you can say that you know what it is worth. I believe all those Armstrong 100-pounders are given up now even by the Government, and acknowledged to be failures. What does the Duke of Somerset say. He says—

"I used to think that no plates could resist the rifled guns; but I have changed that opinion. We have found that they are not so effective as we supposed, and that we must arm our ships with heavy smooth-bore guns, the velocity of which at 200 yards is much greater." [3 *Hansard*, clxvi. 442.]

I will ask the noble Lord the Secretary of the Admiralty this—Is there a captain who would go to sea with a broadside of these Armstrong guns, except merely as chase guns? We have heard a good deal of the trial of the Whitworth and Armstrong guns, and I have here the account given by the special reporter of *The Times* of this trial, which is really worth the attention of the Committee. The Whitworth gun was a 70-pounder, and was placed at a distance of 600 yards. The Armstrong gun, a 120-pounder, was placed at 800 yards; it had been wished to place it at 1,000 yards, but this would have re-

quired it to be placed in a proximity supposed to be dangerous to a clergyman's house. The experiments began with the 120-pounder, and—

"Nearly an hour was consumed in trial shots at a wooden target in order to lay the gun properly, which led to curious conjectures as to what the *Warrior*, steaming at fourteen knots would have been about with her guns while such a battery was trying to hit her."

Is not that conclusive? Here they were an hour getting the range for a fixed object, and yet they tell us that at 1,000 yards these forts, armed with these guns, are to hit and destroy vessels in motion. The 70-pounder was fired first, and here is what the reporter says of the effect—

"As soon as the stifling smoke allowed an examination of the interior of the target, it was seen that the shell had passed completely through the plate, the eighteen inches of teak backing, and inner skin of iron, bursting inside. The bursting, however, seemed to have taken place too soon and while the shell was still in the armour-plate, as the base or heel of the shell was fired out backwards and fell in front of the target, while the fragments that penetrated through appeared to have been deprived of their force, and fell almost harmless in what may be called the between decks. The surrounding timbers inside certainly bore no signs of damage worth speaking of. Of course, the splinters must have flown about with violence, and the concussion of the explosion must have been tremendous; but as evidence of the shattering effect of the shell between decks there was little or nothing to be seen."

This is the account of an experiment which was said to be successful, but which I believe was no success at all. I hope the chairman of the Iron-plate Committee (Sir John Hay), whom I see opposite, will give us his opinion of these experiments; and if he can tell us that he is perfectly satisfied of their success, I have no doubt the Committee will consent at once to the building of these forts. Then there is a similar account of the Armstrong gun, which is claimed to be such a wonderful achievement. Does the noble Lord, who now that he has got on that bench seems to have forgotten the vote he formerly gave on this subject, and the reasons for it, know what these guns cost? He treats that part of the subject very lightly. Is he aware that a 600-pounder Armstrong gun costs as much as £4,000? He says we will go on making guns, and at last we shall get one that will do all we want. When you have got an effective gun, I say then you may build your forts, but not before. The noble Lord treats very lightly, too, the fact that one of these guns was disabled, but I believe that in no instance

with these charges of 50 lb. of powder can you rely on these guns not being, like the elephants of old, as dangerous to your own men as to the enemy. The House is at present called on to go blindfold into this question. You have spent £3,000,000, but you have not got a weapon which would justify you in building these forts; and you have had experiments, the results of which warn you against going into expense such as that which is now proposed. I entreat the Committee to pause. Nothing will be lost by delaying this Vote a little until you have more successful experiments. We are rushing now into expense of which we cannot see the end, and I hope the Committee will join with me in an endeavour to stop this expenditure before it is too late.

SIR WILLIAM JOLLIFFE said, he wished to say a few words in support of the proposition of the Government. He agreed in the opinion that the great naval arsenals should be made as safe as possible. He thought that the result of the great gun question, as the hon. Member for Liskeard had termed it, had shown that the course taken by the Government was that pointed out by prudence, and that it would end in success. The hon. Member had asked how it was that there were to be only three, instead of five forts, and the answer was that since guns had been made more effective for greater distances the three forts would be as useful as the five would have been with inferior guns. His hon. Friend (Sir Frederic Smith) seemed jealous in reference to the attention bestowed upon Portsmouth, as compared with Chatham. The introduction of steam into ships of war had rendered Chatham dockyard a place of much more importance than it used to be, but it must be borne in mind that in the event of a war the first thing would be to get the command of the Channel, and Portsmouth in reference to that object would necessarily be of more importance than Chatham could possibly be. The great object was to make forts do the work of ships at Spithead. He thought that they might go too far in having harbours of refuge minutely defended; such harbours should be commanded by a battery, but more should not be attempted to be done. They might, in his opinion, clearly do too much at Dover and at Portland, but not at Plymouth, Portsmouth, or Chatham. They could not make the great arsenals too secure. He was sorry to observe that Woolwich had, somehow or other, dropped out of those proposed. He

believed that in reference to the defence of the country Shooter's Hill was a very important point to fortify. The Duke of Wellington had said, that he never could consider the capital of this country as a certain number of acres covered with houses, but that Woolwich, containing their means of defence, was the real capital of the country. He should have liked to see a proposal for Woolwich; but approving the scheme of the Government as far as it went, he should give his vote in its favour.

**LORD CLARENCE PAGET:** Every hon. Member of this House is likely to agree with my hon. Friend who spoke last, that however important Chatham may be, after all our great naval arsenal is Portsmouth; and therefore, as a primary condition, Portsmouth ought to be fortified. I listened very carefully to the arguments of my hon. Friend the Member for Liskeard (Mr. Bernal Osborne). As I understand, he is of opinion that our case is made out if we have guns sufficiently heavy to stop iron-cased ships from coming in between these two forts; and that if my hon. and gallant Friend the Member for Wakefield (Sir J. Hay) says there is a probability of our having guns that will strike at a thousand yards, that would be a strong argument in favour of those forts. My hon. Friend who brought this Motion forward says it may be necessary hereafter to build these forts; but let us wait. What does he want to wait for? We have had certain experiments with regard to those guns; and I can assure the hon. Gentleman and the Committee that I have it from artillery officers who are residing at Shoeburyness, and who are engaged in carrying on those experiments, that they confidently believe you will yet have a 300-pounder gun which will do more than my hon. Friend requires. [Mr. BERNAL OSBORNE: Have you them now?] You must remember that a series of experiments are going on; and here I may observe that not one of these guns have burst. The danger of cast-iron guns is that they burst and kill the men who are serving them. The consequence is that men are afraid of them, and the bursting of one gun may lose you a battle. But these new guns have not burst.

**MR. BERNAL OSBORNE:** Do I understand my noble Friend to say that none of them have been disabled?

**LORD CLARENCE PAGET:** No; I quite agree with my hon. Friend that guns have been disabled in those experiments;

but my hon. Friend has no right to argue from the circumstance that certain flaws have shown themselves after very heavy firing that we will not get over our difficulties. At present the material in the inside of those guns is iron; but it is believed, that if the chambers be made of steel, you will get over the difficulty of those guns cracking—for, mind you, they do not burst, and not a man would have been hurt by them, even if the firing had been continued. I believe you will have those guns brought to a state of great perfection. In the mean time you must take something for granted on the opinion of those artillery officers; and assuming that they will produce, as they expect to do, a 300-pounder, or even a 600-pounder gun which will fulfil all the duties required of it, I ask the Committee to consider what position we are in. Will any one tell me that Spithead is in such a state of defence as it should be, when a frigate coming in there by night could shell the dockyard? Is that a state of things we ought to be satisfied with? I think the Committee has been misled by my hon. and gallant Friend the Member for Chatham. He says that there are guns at the Isle of Wight and other places which would prevent ships from bombarding Portsmouth harbour. [Sir FREDERIC SMITH: Which would prevent them from lying at anchor in Portsmouth harbour.] I contend that there are no shells and mortars to prevent a ship from lying there and shelling the dockyard. The proposed forts will be 2,200 yards apart, and consequently I admit that a ship may pass in at a distance of 1,100 yards from either side. But a Whitworth gun has already pierced a 7½-inch plate, I think it was, at a distance of 800 yards, with a velocity in round numbers of 1,200 feet per second. We have every reason to believe that a gun will be produced to carry a 300 lb. shot at the same velocity; and, from its additional weight, the projectile fired from such a gun will have a much greater penetrating force. The shot of the Whitworth gun penetrated at the distance which has been stated, and a shell also penetrated. I admit that the latter did not do any great damage within, but it was the first shell tried, and it is intended to make great improvements. Already there is this fact—that you have a gun which at 800 yards has pierced a 7½ inch plate, the thickness of the armour-plates on the iron-plated vessels being about five inches; and those artillery officers have

every confidence that a 300-pounder gun will be able to do at 1,500 yards what your present gun does at 800 yards. If you are able to pierce an armour-plated ship at 1,500 yards, it will be impossible for a ship to lie at Spithead and shell the dockyard without being at the mercy of the forts. My hon. Friend the Member for Liskeard puts it that a ship might succeed in making her way in; but before going into a place we all of us are in the habit of seeing how we are to get out; and I think any ship would have been pretty roughly handled before she succeeded in passing those forts, and when in she would probably meet with one or two floating batteries. What is to happen to the enemy's ship when she tries to go out again? Why did not we go into Sebastopol or Cronstadt? Because we knew it was probable that we should never come out again, those places having been wisely fortified. Sebastopol supplies one of the strongest proofs of the importance of both land and sea defences. If the Russians had fortified the place on the land side, as they ought to have done, how many thousand more lives would have been lost in taking it? But they had the wisdom to erect forts on the sea shore, and the consequence was, we were never able to take them. Let the Committee look at what is going on elsewhere. Every point of the French coast of any importance is defended, or is in process of protection; and are we to neglect this precaution, relying on our naval prestige, and trusting solely to our fleet? Let the Committee remember the difference which exists between the state of things now and that which existed in our last war. We had a powerful fleet, and could blockade a French port—that is to say, if the wind was on shore we knew that the enemy's fleet could not come out, and that we might then keep away; while, if the wind was off the shore, we kept close up and prevented them from coming out. But in these days of steam I defy anything like an efficient blockade to be maintained; for it is impossible that you may not at one time or other find that the enemy has got out before you are aware of it. Is it not wise, then, to leave an important arsenal in such a state, that if your fleet is in search of the enemy, you may have the satisfaction of knowing that that arsenal is safe?

A good deal has been said of the comparison between Charleston and Spithead, and my hon. Friends have declared that unless you can put stakes across the en-

trance to the harbour you can offer no obstruction to an enemy's squadron. But there is no greater mistake in the world. I believe that stakes would be useless against these powerful ships; but what would obstruct them is floating coils of rope on the surface of the water, which would foul their screws. And this you could do with effect between the proposed forts. My hon. Friend (Mr. Bernal Osborne) says that you would then have no entrance for your own ships. But is the hon. Gentleman who was so long at the Admiralty so utterly ignorant as not to know that a private passage is always kept up in such cases, and that there are always certain marks by which a single ship can be steered backwards and forwards? That was the case at Sebastopol. A frigate from that harbour came right out in the midst of us. But we did not know the passage in, and the consequence was, that what with the obstructions and the forts, nobody would venture in, and very wisely. The House has already determined, once for all, to make our harbours secure. The people of this country have confidence that the House of Commons is going to make our harbours secure, and the consequence is that we hear no more of panics. I say that by the measures we are now proposing we are going to put a stop to these panics; but the longer you delay, the more expensive the completion of these works will be. If these fortifications have to be constructed, let us construct them at once, and put the country in a state of security. Do not let us wait until the French, or somebody else, come upon us. [Mr. BERNAL OSBORNE: Wait for a gun.] I would almost engage that by the time the forts are finished there will be a gun ready for them. Well, then, my hon. Friend complains that this is not a correct estimate, and says that ten inches thickness of iron would not be sufficient. But in ships we are limited to a certain weight of gun, and therefore you have only got to make a fort of such a strength that it will resist the guns of the ship, not the guns of the fort. Of the guns which a ship can carry, there will probably not be one which will send a shot through a ten-inch plate. The estimate made with regard to these forts is therefore a sufficient one. [Mr. BERNAL OSBORNE: What is the estimate?] My hon. Friend will see it in the schedule. Bear in mind this also—that the Channel is full of merchant ships; and what is to become of them if at Spithead you cannot protect them? Assuming that

our fleet was at sea in search of an enemy, you would have hundreds of ships putting into Spithead for shelter, and there is nothing to stop a smart officer from going in with two or three men-of-war, and bringing out your merchant ships by the dozen. All these are things to be looked to while we are at peace. I do hope that the Committee, after having undertaken this great work, will not forfeit the good opinion of the country by now stopping these fortifications, which the House approved two years since by a large majority.

SIR JOHN HAY said, that he was unwilling that the Committee should go to the vote before he had said a few words on the question. The object of the forts at Spithead, as he understood it, was first to defend Portsmouth arsenal and dockyard from bombardment, and secondly to protect their merchantmen or their fleet, if inferior to that of the enemy. The forts were to be placed 2,000 yards apart, there being three of them, and it had been shown that with no gun which then existed would it be possible to impede the entrance of an iron-clad ship. The noble Lord said last year that certain persons had promised him that by-and-by a gun would be forthcoming for this purpose. But though a gun might be effective at long ranges, the use of such exceptional charges that nobody would stand near while the gun was being fired, led with perfect certainty to its being eventually disabled. Practically, the 50 lb. charges were totally useless. On a very recent occasion at Shoeburyness a gun which was fired with that charge was disabled, and he had understood the noble Lord, who was with him on that occasion, to agree that a 35 lb. charge was the utmost that would be used for these guns. The fact was that those exceptional charges were not safe to be used with any gun as yet constructed, whether a breech or a muzzle loader, whether constructed by Whitworth or Armstrong. Even the gun named after his hon. Friend (Mr. Horsfall), which did wonders at 800 yards, succumbed to the enormous charges which were requisite. These ranges had never exceeded 800 yards, and yet 1,100 was the range which it would be necessary to gain from the forts in order to secure the penetration of an iron-clad ship. Now, he did not see that there was any possibility of obtaining that range, according to any knowledge which they had of modern artillery. If he saw any possibility of a gun with such a range being constructed, he should retain

the opinion he held some years ago, that the Report of the Commissioners was a desirable one. At the same time, it should be remembered, that when that Report was made, the fleet entering Portsmouth was supposed to be a wooden one, and a wooden fleet would be set on fire by such forts. Neither the noble Lord nor any other officer who commanded a ship in the Black Sea thought it advisable to go into Sebastopol harbour, because the converging fire from the forts would have sunk his ship. With an iron-clad ship, however, there was nothing in the position of the proposed forts to prevent an enterprising officer from passing between them and entering the roads of Spithead. Then they had guns which, 1,500 yards outside the forts, would throw shell into the dockyard, while there was not a gun which would penetrate ships at 1,500 yards. Ships, then, could lie and attack the dockyards with impunity, and the forts were therefore not a sufficient protection for the dockyard or for the merchantmen assembled at Spithead. For that reason he should oppose that portion of the schedule which related to the Spithead forts.

VISCOUNT PALMERSTON: It seems to me that the balance of argument is completely on the side of those who are for the erection of these forts. Even the argument of those who support the Motion couples the forts with floating batteries. But when we had to determine what we should propose to Parliament we thought that the floating defences, being of a perishable nature, ought to be provided for by annual Votes, and therefore we did not include them in the arrangement which we made for permanent works only. But it never was contemplated by anybody to rely entirely upon forts alone. The proposal which we made and make now is for the combined use of forts and floating defences, and I have not heard a single Member supporting the Motion of my hon. Friend who does not say that forts may be very useful, but they think there should be floating defences also. Well, that is just what we say, and therefore in this respect there is no difference between the two parties. But they say, "The thing is useful; don't do it; delay till Heaven knows when." We, on the contrary, say, "This is a thing of considerable importance; do it in time; make hay while the sun shines, and don't wait till the moment arrives when the forts will be wanted for use." Arguing, therefore, on the same



sumption that our proposal consists of having both forts and floating defences, the question arises whether those forts would not be useful as supports to the floating defences. Hon. Gentlemen say, "Trust entirely to your navy." But that argument has been refuted by every person who has spoken on the other side of the question, because we have shown that to maintain a permanent defensive floating force for Portsmouth would require that your navy should be not merely superior to the navy of any other country, but you should be in superior force everywhere—at Portsmouth, at Plymouth, in the Channel, in the Mediterranean, in every place in which your adversary might concentrate a large force for offensive operations. But that is impossible. Your floating force is liable to be called from one place to another, and therefore you cannot depend on having that force superior to the force of the enemy on every possible point. But then it is said, "You have not guns of sufficient range to penetrate iron-cased vessels at a distance of 1,000 yards." But, in the first place, you are assuming that the ships passing between the Horse Sand and No Man's Land would go so accurately in the middle between the two forts that they would be exposed to only an equal fire from the two. But that is not an easy thing to do. It might, perhaps, be done by a few vessels, but not by a considerable force attempting to go through. Suppose a large flotilla attempted to get through, and they tried to place themselves so as not to be much exposed to the fire from the forts, and that a floating force was sent to encounter them, between the fire from the latter, and from the forts they might get into a very embarrassing position. Well, it is said, "You cannot hit a moving body." But that is not the fact. It is a well-known practice of gunnery to fire from a moving body to a fixed object, which is equivalent to firing at a moving object from a fixed body. A ship going at the rate of twelve knots an hour would move at the rate of about a mile in five minutes, and a shot moving with the velocity of 1,200 feet in a second would go a mile in some four seconds. The difference of velocities being so great, what would happen? At the distance of 1,000 yards, if you aimed at the bow of a ship, you would hit the body before she had moved the whole of her own length. There is therefore no difficulty in the matter. The

*Viscount Palmerston*

hon. and gallant Member says, "What a number of artillerymen would be wanted. You would require ten men to each gun." But the hon. and gallant Gentleman knows very well, that if you have two trained artillerymen for each gun, you have all you want. The great labour is the handspike work and moving the guns, and those who have to load soon acquire skill sufficient to perform that operation. Well, then, I hold that all the arguments in favour of protecting our dockyards go to show that those forts are, and must be, an essential part of any arrangements made for the defence of Portsmouth. It was said the other day, "Look to your sea defences. Don't trouble yourselves about defending Portsmouth from the land side." An hon. and gallant Officer said that the batteries from Cumberland Fort, Southsea Castle, and other points, with the cross fire from the batteries of the Isle of Wight, would command Spithead. But the distance from those points is rather more than three miles; and if the fire from our guns should cross halfway, the distance of the Spithead forts being only 2,000 yards apart, that surely would be much more effectual. I think really the case is so clear that I cannot have a doubt as to the decision of the Committee, and I trust that decision will be arrived at by such a majority as to show that the House is of the same opinion as the nation, and that both are determined that the chief dockyard and arsenal of the country shall be properly defended.

Question put, "That the words proposed to be left out stand part of the Schedule."

The Committee *divided*:—Ayes 135; Noes 52: Majority 83.

SIR FRANCIS GOLDSMID said, he wished to ask for an explanation of the increase in the expenditure as compared with the estimate for the works on the Western Heights at Dover.

THE MARQUESS OF HARTINGTON said, that the expenditure on the works on the eastern side of Dover was considerably less than the estimate; but the works on the western side greatly exceeded the estimated cost, in consequence of large expenses having been incurred, owing to the soil having been found to be of a different nature to what was anticipated.

Schedule *agreed to*.

House *resumed*.

Committee report Progress; to sit again To-morrow, at Twelve of the Clock.

UNION RELIEF AID ACTS CONTINUANCE  
BILL—[BILL 199.]—SECOND READING.

Order for Second Reading read.

*Moved*, "That the Bill be now read a second time."—(*Mr. C. Gilpin.*)

MR. TOLLEMACHE said, he thought that the right hon. Gentleman the President of the Poor Law Board had met the objections from the distressed unions very fairly and properly. He understood, that instead of having to borrow money with restrictions at a high rate of interest, the right hon. Gentleman proposed to enable them to borrow money from the Exchequer Loan Commissioners at the low rate of  $3\frac{1}{2}$  per cent. His constituents would rather have no rate in aid at all; but as they were to have it, they desired to have it extended to the whole country. He could not say he agreed with them on that point. He thought that, under the circumstances, the Government should have power to enforce a rate in aid, but it should be enforced as a last resource. He would suggest that they should raise the amount for putting the rate in aid in operation from 5*s.* to 6*s.* 6*d.*, or 7*s.*

MR. C. P. VILLIERS was sorry that he was not present when the Order was called. As the principle of the Bill had received the sanction of the House on two occasions during the year, it would not be necessary for him to make any remarks. He would therefore confine himself to a consideration of the Amendments which had been urged on the attention of the Government, and which they were willing to introduce. He would remind the House that this time last year anxiety was felt lest there should be a failure of the means of maintaining the poor in the distressed districts. The destitution was then very great, and was continuing; and the Act, exceptional as it was, was deemed necessary. It provided, in the first place, for the practical application of the old principle of the Poor Laws in this country, that when any parish or district should be unable to maintain its own poor, it should be entitled to levy a rate in aid on the other divisions of the county, or even on the whole county itself; and secondly, when a certain point of expenditure was reached, then power was given to the unions to meet any excess by loans. The Act had proved successful in its operation, and had been of advantage to the distressed districts. Under it £80,000 had been raised by loan, and £34,000 contributed

in aid by different unions. A considerable amount of dissatisfaction had, however, been caused by some of the provisions of the Act; and an influential deputation, headed by his hon. Friend opposite, offered a number of suggestions to the Government. These gentlemen did not dispute that the measure had been of much benefit, but contended that the sources of supply were not to be relied upon. They objected especially to the rate in aid, arguing that one union ought not, when distressed, to cast its burdens on other unions who were on the eve of becoming equally embarrassed. Although the arrangement by which a union could come upon the county for relief might answer very well in some cases, it was said that there were peculiar circumstances in Lancashire which rendered it objectionable, for Manchester and some other large towns did not contribute to the county rate. It was maintained, therefore, that a distressed union should call upon the other richer unions for assistance, and not on the county. It was alleged that there were now nearly half of the unions of Lancashire exempt from contributing to the relief of the others, and these were the richest in the county. It was pointed out that the unions had a motive in raising their rates to a certain point, for it procured them exemption. The Public Works Bill would, perhaps, increase this difficulty. It was said that some of the unions would not apply for contributions in aid from a sense of their injustice, and that there had been a good deal of litigation on the subject. These were all, no doubt, arguments for putting the provisions on this point on a different footing. The provisions made with regard to the repayment of loans and the badness of the security were alleged to have deterred individuals and companies from advancing funds in many cases to the guardians. It was also said, that in many cases the rate of interest demanded was very high, and that in one case—Stockport, he believed—they had been unable to raise the whole amount required. There was probably some exaggeration in the description of the difficulties of obtaining money, and also of the inconveniences of the rate in aid. Substantially, however, the statements that had been made were true. These inconveniences he had mentioned were felt throughout the country, and the suggestions which had been made deserved attention. The first suggestion was that districts should be relieved from any motive for raising their rates to escape contribu-

tions. It had been considered that a slight rise in the amount of expenditure, which would give little inducement to the unions to go upon the county, would have that effect. Several unions had levied contributions upon the county at an expenditure of 5s. in the pound, and he had been assured, that if the amount were raised to 6s., accompanied by increased facilities for borrowing, no apprehension would exist, unless in the event of great distress, of being called upon to contribute. He thought there could be no doubt that 6s. in the pound would relieve the unions. The suggestion had been made of allowing boards of guardians to place themselves in the category of those parochial authorities who, under the new Poor Law, were entitled to apply to the Loan Commissioners. There were several purposes for which money was advanced by the Loan Commissioners—emigration, buying land, the repair of buildings, and the erection of workhouses. It was alleged, and he believed correctly, that the loans so granted had been punctually repaid. For the temporary purposes for which this Bill was intended it had been suggested that the mode best calculated to give facilities for borrowing was to allow boards of guardians to apply to the Loan Commissioners for the money they required, binding them to repay the loans within a limited period. The subject had been well considered by the Government; and when the Bill went into Committee, he should be ready with clauses to meet the objects in view—in the first place, to raise the amount upon which unions would be entitled to levy contributions in aid from 5s. to 6s. in the pound; and secondly, to empower boards of guardians to apply to the Loan Commissioners for the money they wanted. He hoped that would be satisfactory. This Bill, he believed, was well calculated for its purpose. The existing Act had already relieved the ratepayers under the sudden and severe pressure to which they had been subjected, and there never was a time when it was more needed than at present, owing to the unfortunate position in which many of the solvent ratepayers were placed. There was no real ground for apprehending the lack of means for maintaining the destitute people. He did not take a gloomy view of the prospect of the distressed districts in the coming year. Employment was becoming more plentiful, to which must be added the extraordinary cheapness of food and the likelihood of an abundant harvest,

which always augmented the wealth of the country. Moreover the large funds still in hand, voluntarily subscribed, relieved one from all anxiety as to there being adequate means for the support of the destitute. Those who suffered most were the ratepayers—that intermediate class between the operatives and those in comfortable circumstances. Having settled in different parts of the northern districts to supply the necessities of the operatives, they had lost the operatives as customers, and were now obliged to maintain them as pensioners. They had given credit largely, they had paid high rates, they had invested their savings in cottages, for which they now got little or no rent; and if hitherto any forbearance had been shown to them in the collection of the rates, the time had arrived when that forbearance could no longer be exhibited. Great uneasiness prevailed among this class of ratepayers; and although it was said that they did not pay higher rates than persons belonging to the same rank of life in the south and west of England, yet that was not altogether a correct statement, inasmuch as the rate was estimated upon an assumed ratable value, and an assumed solvency of the ratepayers. Now, the fact was that many of those who formerly paid rates were without the means of maintaining themselves; and to make up the necessary sums, those who were still in a condition to pay rates were now assessed to the amount of 10s., 12s., and even 15s. in the pound; and it was particularly with a view to relieve them that this Bill would be of assistance. It would lighten the charge which fell immediately upon them for a considerable space of time, and enable boards of guardians to find the means of relieving the poor without resorting to extreme and harsh, though legal, modes of enforcing payment of rates. Looking, therefore, at the operation of this Bill, the employment of the people, and the law already in force, he doubted whether the House could have acted more wisely in this matter than it had done. The right hon. Gentleman concluded by moving the second reading of the Bill.

Mr. E. C. EGERTON said, he cordially thanked the right hon. Gentleman for having acceded to the wishes of the influential deputations from Cheshire and Lancashire which had recently waited upon him. At the same time, he would express his belief, that if the existing rate in aid were continued for a few months longer, it would lead to disastrous results.

MR. PACKE said, he wished to call attention to the distress existing in the Midland districts in consequence of the cotton famine. He hoped that those districts would be permitted to partake in the benefits arising from the Bill. Many of the unions were anxious that its provisions should be extended to them.

MR. HUMBERSTON said, he also thanked the right hon. Gentleman for the course he had adopted. He was opposed in principle to a rate in aid, but the right hon. Gentleman had to a certain extent conceded the principle for which he contended, and removed his objections still further by raising the scale of the rate. He hoped the right hon. Gentleman would still further consider the subject, and raise the standard from 6s. to 7s. 6d.

MR. HIBBERT said, that the concessions made by the right hon. Gentleman would give great satisfaction to those who had to deal with the distress in the manufacturing districts during the ensuing winter.

MR. A. F. EGERTON observed, that the President of the Poor Law Board had met the deputations that had waited upon him in a very fair spirit. The modifications which had been introduced into the Bill were great improvements.

SIR BALDWIN LEIGHTON said, he thought, that as the landlords in the manufacturing towns of Lancashire and Cheshire had seen the value of their land increase more than that of any other county except Middlesex, it would only be fair and just that they should pay any excess of poor rates beyond a certain amount. It was a great hardship upon the farmers of South Cheshire that they should have to support, in addition to their own poor, the poor of the neighbouring towns, who received a much larger amount of relief, and who were kept round the mills by the mill-owners instead of being allowed to go elsewhere in search of work.

*Motion agreed to.*

Bill read 2<sup>o</sup>, and committed for To-morrow at Twelve of the clock.

#### VOLUNTEERS BILL.—[BILL 225.]

##### LORDS' AMENDMENTS.

MR. HENNESSY expressed his satisfaction that the House of Lords had introduced into the Bill an Amendment providing for the holding of courts of inquiry.

MR. COX said, he was very glad that a change had come over the spirit of the Government's dream, and, notwithstanding his

democratic notions, with Mr. Cobbett he thanked God that they had a House of Lords.

MR. DARBY GRIFFITH said, he considered the alteration a great improvement, but he regretted that the Government had opposed it with so much obstinacy in that House.

THE MARQUESS OF HARTINGTON said, he was glad if the hon. Member for the King's County and the hon. Member for Finsbury were able to congratulate themselves on the clause which had been introduced into the Bill in another place, and he should be quite content if that alteration afforded any satisfaction to the Volunteer corps. But as to that clause making any difference in the law as it stood before, he hoped that neither those hon. Members nor the Volunteer corps would flatter themselves that it did anything of the kind.

MR. HENNESSY said, that the Secretary of State for War was reported to have informed a deputation that upon reflection he thought it was desirable the law should be altered, and he accordingly procured its alteration in another place. Now, however, the House was told by the noble Under Secretary for the same Department that what the House of Lords had done was of no importance, and that no real alteration of the law had been made. He believed that the noble Marquess was wrong and his chief was right, and that a valuable improvement in the law had been effected in regard to courts of inquiry.

MR. SELWYN said, he regretted that the measure had been mutilated in the other House by the omission of certain provisions which had been agreed to by that House for facilitating the acquisition of rifle ranges by Volunteer corps. At a time when so much was spent in furnishing the army with the most approved and costly weapons, it was highly essential that proper provision should be afforded in the establishment of rifle ranges for acquiring a thorough knowledge of their use. He deeply regretted that the House of Lords, under what he believed to be a misapprehension of the rights of landowners should have rejected a part of the Bill which was calculated to do much for the benefit of the Volunteer force. If the noble Lord who had charge of the Bill would move that the House disagree with the Lords' Amendments, he would support the Motion.

THE MARQUESS OF HARTINGTON said, he concurred with his hon. and learned

Friend in regretting that the clauses to which he referred had been struck out. That they had been struck out was, he thought, owing to a misconception in the Committee of the other House as to their real scope. At the advanced period of the Session, however, he was unwilling to risk the passing of the Bill by moving that the Lords' Amendments be dissented from.

Lords' Amendments *agreed to*, with Amendments.

#### MALT (EXCISE DUTY, &c.)

##### NOMINATION OF COMMITTEE.

Select Committee on Malt (Excise Duty, &c.) to consist of nineteen Members:—Sir FITZROY KELLY, Mr. CHANCELLOR of the EXCHEQUER, Colonel BARTHELOT, Mr. HUTT, Mr. COBBOLD, Mr. CHILDERS, Sir STAFFORD NORTHCOTE, Mr. CAIRD, Mr. KER SEYMER, Mr. BUXTON, Sir FREDERICK HETGATE, Mr. CALTHORPE, Colonel DUNNE, Mr. DOBSON, Mr. BRACE, Mr. PULLER, Mr. EDWARD EGERTON, Mr. COBBETT, and Mr. STIRLING:—Power to send for persons, papers, and records; Five to be the quorum.

#### TURNPIKE TRUSTS ARRANGEMENTS BILL.

Bill to confirm certain Provisional Orders made under an Act of the fifteenth year of Her present Majesty, to facilitate arrangements for the relief of Turnpike Trusts, *presented*, and read 1<sup>o</sup>. [Bill 227.]

#### TURNPIKE ACTS CONTINUANCE, ETC. BILL.

Bill to amend the Law relating to the repair of Turnpike Roads in England, and to continue certain Turnpike Acts in Great Britain, *presented*, and read 1<sup>o</sup>. [Bill 228.]

#### EXPIRING LAWS CONTINUANCE BILL.

On Motion of Mr. PEEL, Bill for continuing various Expiring Acts, *ordered* to be brought in by Mr. PEEL and Mr. CHANCELLOR of the EXCHEQUER.

#### PAUPER LUNATIC ASYLUMS BILL.

On Motion of Mr. SCOURFIELD, Bill to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics, *ordered* to be brought in by Mr. SCOURFIELD and Mr. PEEL.

#### PETTY SESSIONS (IRELAND) BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill to amend the Petty Sessions (Ireland) Act (1851) and the Petty Sessions Clerks (Ireland) Act (1858), *ordered* to be brought in by Mr. ATTORNEY GENERAL for IRELAND and Sir ROBERT PEEL.

House adjourned at a quarter before One o'clock.

## HOUSE OF LORDS,

Tuesday, July 14, 1863.

MINUTES.]—*Sat First in Parliament*—The Lord Atherton, after the death of his Father.

PUBLIC BILLS.—*First Reading*—Sydney Branch Mint\* (No. 217).

*Second Reading*—Savings Banks Acts Amendment\* (No. 183); Stipendiary Magistrates\* (No. 196); Growing Crops Seizure (Ireland)\* (No. 209); Clergymen (Colonies) [E.L.]\* (No. 205); Harwich Harbour\* (No. 174); Howth Harbour\* (No. 180); Colonial Acts Confirmation [E.L.]\* (No. 213).

*Committee*—Removal of Irish Poor\* (No. 182 & 218); Marriages Registration (Ireland)\* (No. 147 & 219).

*Report*—Drainage and Improvement of Lands (Ireland)\* (No. 198); Metropolis Turnpike Roads Acts Amendment\* (No. 145).

*Third Reading*—Sheep and Cattle (Scotland)\* (No. 144); Sir Robert Hitham's Charity\* (No. 165); Ruthin Charities\* (No. 166); Police and Improvement (Scotland) (Provisional Order)\* (No. 194); and severally *passed*.

#### JAPAN—CASE OF MR. MOSS.

##### EXPLANATION.

EARL GREY said, that since the discussion on our relations with Japan he had received a letter from Mr. Ross, the gentleman who was accused of having shot a policeman in that country, enclosing a pamphlet and a statement of the case, which entirely exculpated him, and showed that he was very much ill-used. He could only say that he took the statement which he made from the work of Sir Rutherford Alcock, and he was not aware that it had ever been contradicted. He could, of course, give no opinion as to which statement was the more correct. Mr. Moss stated that a most unprovoked attack was made upon him by a party of armed men, and that the gun had been for some time out of his hands before it went off. He also complained of a grievous denial of justice on the part of Sir Rutherford Alcock.

EARL RUSSELL said, that the fact was that Mr. Moss complained very much that Sir Rutherford Alcock was too favourable to the Japanese.

#### UNITED STATES — THE "MARGARET AND JESSIE."—QUESTION.

THE EARL OF AIRLIE asked the Secretary for Foreign Affairs, Whether he has received any official Report of the Attack alleged to have been made by a Ship of War of the United States on the ship *Margaret and Jessie* in British waters? The noble Earl said, he did not think he was commit-

ting any indiscretion in putting this Question, nor was this event likely to lead to any serious misunderstanding. In a great war like that now raging, questions must from time to time arise affecting the rights of neutrals, and while each party was desirous of doing justice to the other, it was possible that both might arrive at different conclusions. In the present instance, however, matters of fact were at issue which ought to be very easily ascertained, because a great number of persons must have witnessed the transaction. The statements which had appeared in the Nassau papers ought to be received with caution, because in that place much dissatisfaction was felt at the measures taken by the United States cruisers to put an end to the trade between Nassau and the Confederate States. But about ten days ago a letter had been published in *The Times* giving a more circumstantial account of the circumstances. According to this statement, it appeared that the Confederate steamer *Margaret and Jessie* left Charleston on the 27th of May, laden with a cargo of cotton, having succeeded in eluding the United States vessels at the entrance of that harbour. In the course of her voyage, when about twenty-five miles from Nassau, she saw a steamer, which gave chase. The *Margaret and Jessie* at once made for the land, and when she was between four and five miles of the land the steamer opened fire; but she continued her course for the shore until she arrived at about 300 yards of the land, and could get no nearer. The United States steamer still pursued, and though compelled to keep at a distance from the shore of 1,000 or 1,200 yards, still continued her fire, which reached the shore, some of the shot or shell being picked up and carried into Nassau. At last the *Margaret and Jessie* was sunk by a shell from the United States steamer, which put off a boat, and the persons in the boat declared that the steamer was the United States vessel *Savannah*, though it was afterwards ascertained that her name was the *Rhode Island*. The captain of the *Rhode Island* stated, that he was at no time within four miles of the land; but this was denied. However, the point to be ascertained was not the position of the steamer when she fired, but the position of the *Margaret and Jessie* when she was fired upon. He understood that Mr. Seward had mentioned the matter to Lord Lyons without having the matter brought formally under his notice, and had stated

that he would make inquiry; and if the facts were such as were reported, he would make full reparation. It was to be hoped, at the same time, that Mr. Seward would take steps to prevent the recurrence of such acts; because not only were they outrages to a friendly Power, but they were directly at variance with the instructions issued by Mr. Seward for the guidance of officers of the American navy. He wished to ask the noble Earl another Question, of which he had given no notice. Some little time ago it was stated that the officers of the vessels blockading Charleston had determined to take no more prizes, but to sink any ship which attempted to enter the port. Now, he could hardly believe that such a determination could have been come to by the United States captains, still less that they had been ordered to take that course by the Secretary for the Navy; because, though the attempt to enter a blockaded port involved the forfeiture of the ship and cargo, he never heard that any penal consequences attached to the persons who made that attempt. Certainly they were not punishable with death, or even with imprisonment, and he therefore hoped that the statement in question was inaccurate. He begged to ask the noble Earl if there was any truth in the statement?

EARL RUSSELL said, the noble Earl had stated the facts in the case of the *Margaret and Jessie*, as far as they were known, quite accurately, and he had very little to add to that statement. The Governor of the Bahamas had not mentioned the circumstances of the case from his own knowledge—he only said there was a report to this effect. On the other hand, Mr. Seward, having seen the statement in the New York papers, immediately assured Lord Lyons that the captain of the *Rhode Island* gave a different account of the affair. Obviously, the facts must be inquired into further. It was impossible to do anything more than ascertain what the facts were; and if it should appear that the statement made was borne out, he had no doubt that the Government of the United States would give the reparation which they volunteered. With regard to the other occurrence referred to by the noble Earl, he had certainly seen the statement in the newspapers; but it was not mentioned by Lord Lyons, and without some confirmation of it he should certainly disregard it as being entirely inaccurate.

BRAZIL—THE "PRINCE OF WALES"—  
CLAIM OF COMPENSATION.

OBSERVATIONS.

LORD OHRLMSFORD rose to call the attention of the House to the "Memorandum regarding Assessment of Compensation in the Case of the *Prince of Wales*," which has been laid upon the table: And to ask the Secretary of State for Foreign Affairs to inform the House upon what Grounds the Queen's Advocate founded his Estimate of the Sum of £2,360 as the Amount of Compensation which ought to be paid for the Cargo after making Allowance for probable and necessary Damage; what was the Nature and Description of the Cargo and its invoiced Value, and if the Owner has received anything from the Underwriters in respect of its Loss; also, in what Manner the Queen's Advocate has ascertained that the Loss of Wages and Effects ought to be estimated at £290 and the Compensation for "possible Murders" at £840? The noble and learned Lord said the reprisals which were made upon Brazil were intended to refer, not merely to the compensation for the plunder and wreck of the *Prince of Wales*, but also to satisfaction for a supposed insult which had been offered to some naval officers belonging to one of Her Majesty's ships. In execution of these reprisals Brazilian vessels were captured of the value of £13,000, leaving a very wide margin for any possible damage. So far as these reprisals extended to the supposed insult offered to the naval officers, by the impartial judgment of the Royal arbiter to whom the matter was referred, they were improper and unjust; and he trusted that the noble Earl (Earl Russell) would not consider it inconsistent with his position, or with the national dignity, to make some acknowledgment to the Brazilian Government of the error in this respect. He would certainly take occasion to put a Question to the noble Earl on the subject. What they were, however, more immediately concerned with was the case of the *Prince of Wales*. Their Lordships might remember that the Brazilian Government to the very last denied that they were liable in respect to the plunder of the wreck, and they refused to take any part in the liquidation of the demand of the Government, because it would amount to an admission of their liability; and they said, that if force was employed, they would pay under protest any demands that were

Earl Russell

made upon them. He was sure their Lordships would all agree with him, under these circumstances, that when the Brazilian Government had as it were surrendered at discretion, and had compelled, if they pleased, our Government to take upon them the delicate office of being judge in their own cause, it was incumbent upon us to use the greatest care and caution, and not to put forward any claim which was unfounded and exorbitant. The noble Earl (Earl Russell) recognised that obligation in a despatch which he sent to Mr. Christie, in which he said that the sum to be demanded from the Brazilian Government should be based upon the most accurate estimate which this Government could make. Accordingly, the noble Earl referred the matter to the Queen's Advocate for his opinion as to the amount of compensation which ought to be assessed. Now, undoubtedly, there could not be a safer or a better reference with regard to the legal claim which ought to be made upon the Brazilian Government; but he could hardly think that the Queen's Advocate was a proper referee with regard to the amount of compensation, which depended upon particulars with which his learned Friend was not so likely to be so conversant as an insurance broker or an underwriter at Lloyd's. He could not help wishing that the noble Earl had referred to the Queen's Advocate for his advice at an earlier period, because he would then have been told by him that no demand ought to be made upon the Brazilian Government for the freight of the vessel. That which did occur would not then have taken place. On the 5th December Mr. Christie, acting under the instructions of the noble Earl, made a demand upon the Brazilian Government for the sum of £1,025 in respect of the freight of this vessel. Any tyro in the profession would have told the noble Earl that no freight was payable unless the goods arrived at their destination, and therefore that any demand upon the Brazilian Government under the circumstances would be unfounded. Their Lordships would remember that at the time when the reprisals were ordered the freight of the vessel was part of the demand which was made upon the Brazilian Government, and it continued part of the demand when the Brazilian Government submitted to pay the amount which our Government estimated as our claim; and he believed that when the sum of £3,200 was paid by M.

Moreira he was not aware that the freight was not included in that sum, and also that the fact was not communicated until after payment had been made. The Queen's Advocate assumed the office which the noble Earl requested him to undertake, and he believed to the very best of his ability he performed his duty; but he seemed almost to acknowledge his own incompetency when upon every head of claim he told them that he had "roughly estimated" the amount. He (Lord Chelmsford) would go shortly and rapidly through the three heads of claim, and make a few remarks applicable to each. He would begin with the cargo, in reference to which the learned Gentleman said he had made due allowance for necessary damage and salvage, as if the people of the coast had appeared as salvors and not as plunderers. The rough estimate of the Queen's Advocate under that head was £2,360. Just let them consider for a moment what were the materials with which the Queen's Advocate ought to have been furnished in order to form this estimate. In the first place, he should have been told the original value of the cargo, and he should have been accurately informed as to its nature and description. It had been stated in another place, and not denied, that the invoice value of the cargo was £3,500. The noble Earl would correct him if he was in error in this respect. The statement was made some months ago in another place, and it had never been denied; and therefore, for the present, he assumed that that was the invoice value of the cargo. With respect to the description of the cargo, he stated on a former occasion that it was a general cargo, consisting of coals, kegs of nails, iron castings, painters' colours, barrels of soda, and barrels of beer. Of course, the Queen's Advocate would have to consider the description of this miscellaneous cargo, and how much of it, after the total wreck of the vessel, was likely to find its way to land and come within reach of the plunderers—because the Brazilian Government was only liable for that portion of the cargo which came to land and was taken possession of by the plunderers who resorted to the coast at the time. He took it for granted that the noble Earl had been furnished with all these particulars, and therefore he would like to know how it was that the Queen's Advocate arrived at the sum of £2,360 as the claim for that portion of this miscellaneous

cargo (being more than two-thirds of the invoice value) which found its way to land. He should have thought that the greater part would have been swallowed up by the waves, that a considerable portion would have been spoiled by the salt water, and that most of the lighter goods would have been broken by the violence of the waves. That the latter part of his supposition was correct, was proved by the statement of Consul Vereker as to the appearance of the shore when he went there six or eight days after the wreck. He said the whole shore was strewn with crates and boxes and remnants of the wreck; and he added that most of the crates and some of the barrels appeared to have been broken by the force of the waves. Then there was a circumstance with regard to a portion of the goods which had never been adverted to—that of a sub-inspector of police having collected the goods for the benefit of the customs, and Mr. Vereker said that the greater part had been taken out of their cases. He never heard any reference to these goods, which ought to be taken into account, because the Brazilian Government could not be liable for that which had been delivered up. He could not help being perfectly surprised at the enormous estimate of the ship's cargo by the Queen's Advocate. He could not imagine on what ground the Queen's Advocate had estimated the amount to be paid by the Brazilian Government at £2,360. That functionary must have had some information on which he acted, and he hoped the noble Earl would be able to satisfy the House that so large an amount of property was saved from the wreck (a fact which seemed at first sight to be highly improbable) as to justify the award of so large a sum. There was, however, one item charged to the Brazilian Government which he could not understand—namely the item of £290 for seamen's wages and effects. What the value of the effects might be, he did not know, but there was no possible ground on which to charge the Brazilian Government with the wages. Indeed, up to a comparatively recent time, a seaman had no claim on the owner for wages at all unless he earned his freight, and it was quaintly said that freight was the mother of wages. That law had been altered by the 16 & 17 Vict.; but the new law contained a clause which enacted, that unless a seaman did his utmost to save the ship and cargo, his claim for wages was invalid. There was, in-



deed, a case in which a seaman had been wrecked, and after being on a rock all day, was taken off, but died next day, and on his relatives claiming his wages, the Court of the Exchequer considered the claim so doubtful as against the owner that it did not decide it. If then in such cases it was doubtful whether the owner could be made to pay shipwrecked seamen their wages, on what plea could the Brazilian Government be charged with a payment on that account to the owners? He now came to a point on which the noble Earl (Earl Russell) was more responsible than on the one he had just mentioned, and which was more extraordinary than all the others. The Queen's Advocate had made a claim for the "too probable murder of all or some of the crew." He (Lord Chelmsford) supposed the Queen's Advocate meant the almost certain murder of the crew. At all events, he roughly estimated the value of the compensation for possible murders at £840. It might be said that that was a rough estimate, but it was certainly a very curious amount, and seemed to be founded upon a nice calculation. They had heard of the calculation of probabilities; but certainly this was the first time he had ever heard of a calculation being made of compensation for possible murder. But he had a much graver charge than that he had made; because he should show that not only was such a claim never made on the Brazilian Government, but that it was expressly repudiated; and he would prove that assertion by reference to the papers produced. When the claim was made by Mr. Christie by the noble Earl's instruction of the 5th of September 1862, he asked among other things compensation for the plunder of the wreck and of the bodies. The Marquis d'Abrantes, misunderstanding him, wrote to Mr. Christie, and asked for which bodies his Excellency claimed compensation. Mr. Christie replied on the following day, the 30th of December, in which he stated—

"Your Excellency, in your yesterday's note, strangely made a serious mistake in stating the demand of Her Majesty's Government in the case of the *Prince of Wales*. You spoke of the indemnity demanded for the supposed assassinations. There is no such demand. Her Majesty's Government are, indeed, of opinion that there is the strongest presumptive proof of murder of the crew, but they have strictly confined their demand of indemnity to the property plundered."

The Marquis d'Abrantes, in a subsequent letter, referred to this note, and said that in his note of the 5th instant Mr. Christie

had demanded an indemnification for the bodies stripped and plundered. On this Mr. Christie became a little angry, and said—

"Your Excellency persists in a misstatement of importance when you say that Mr. Christie, in his note of the 5th of December, requested an indemnity for the bodies stripped and plundered, Mr. Christie does nothing of the sort."

He went on to show that what he had demanded was compensation for the plunder. He (Lord Chelmsford) appealed to the House to say whether he had not shown not only that the claim was not made in regard to the murders, but was expressly repudiated; yet when the whole claim of £3,200 was made, there was to be found in it an item of £840 for the possible murder of the seamen. After the claim was paid, M. Moreira was anxious to obtain the different heads of the claim. One would have supposed that among other items this would have been mentioned. But nothing of the sort. The noble Earl never gave to M. Moreira the items, but on the 28th February 1863 wrote that he had already informed M. Moreira that—

"No sum was claimed for the loss of the ship nor for the freight of the cargo. The sum was claimed for the shameful plunder of the cargo, and the negligence shown by the Brazilian authorities in their inquiries to ascertain the delinquency of the supposed murderers."

How could M. Moreira understand from this that the sum of £3,200 included an item of £840 for "possible murders." Now the Queen's Advocate, in dealing with this claim, seemed to have had in his mind the mode of proceeding under Lord Campbell's Act, by which a railway company or other person was responsible for damage through the negligence of his servants; though how that Act was to be made to apply to a Sovereign Power he (Lord Chelmsford) did not know. If the Queen's Advocate had acted according to the analogy furnished by that Act, he could not be justified, because it was distinctly stated by the noble Earl that it was not any punishment that he wished to impose, but he sought to obtain compensation for the loss incurred by the owner of the vessel from the plunder of the cargo. In addition to this, he (Lord Chelmsford) would remind the House that only those who were pecuniarily injured by the death of relatives could claim compensation. He supposed, therefore, that before the Queen's Advocate decided upon the mode in which

the money should be distributed, he had ascertained that there were parties who sustained pecuniary loss by the death of these seamen; but surely he ought to have confined the payment of compensation to the possible relations of the possibly murdered persons. He had no right to make it distributable among the relations of the persons who were wrecked, because there was no neglect of the Brazilian Government which occasioned the deaths of those persons. It was impossible for the noble Earl to say that he imposed this as a fine upon the Brazilian Government for homicide, because he had proceeded altogether upon the footing of compensation. He had demanded compensation for the owner of the vessel and cargo for their loss, and for the relatives of the possibly murdered persons for the pecuniary loss which they had suffered by their deaths. It appeared, therefore, that the first head of claim was most exorbitant—he had almost said outrageous; the second had no foundation in law, and the third had been absolutely disclaimed by the noble Earl; and yet these were the different items which went to make up the £3,200 which had been paid by M. Moreira on behalf of the Brazilian Government. He wished to ask the noble Earl whether he had made or proposed to make any acknowledgment to the Brazilian Government for what must certainly be considered an illegal act—namely, the reprisals which were intended to cover the supposed insult to the officers of the *Forto*. He also hoped that the noble Earl would be kind enough to favour their Lordships with any particulars which he had in his possession showing the invoice value of the cargo, and its nature and description, and explaining how the Queen's Advocate had made it out that two-thirds of that cargo, of the value of £2,360, was likely to be washed on shore from a vessel totally wrecked a league off. He should like to know whether Mr. Stevens had received anything from the underwriters in respect of this loss; upon what grounds the Queen's Advocate had imposed upon the Brazilian Government a liability to indemnify the owner of the vessel for the wages of the seamen; and lastly, how it was, that having disclaimed making any demand upon the Brazilian Government in respect of the murders, he had adopted an estimate in which "possible murders" were included, without indicating to the Brazilian Government that such a claim had been made upon them,

and had received £3,200 which involved that claim.

EARL RUSSELL: My Lords, the noble and learned Lord has gone into detail, and has drawn various inferences favourable to the Brazilian Government. What we know is, that when this vessel was wrecked, the Brazilian authorities refused to produce the bodies of the sailors, and that the officer whose duty it was to do so refused to hold an inquest. The noble and learned Lord draws inferences which are favourable to the Brazilian Government and the Brazilian authorities; and he is able to do so, because the Brazilian authorities contrived that there should be no proof of the facts which probably occurred. The noble and learned Lord supposes that we ordered reprisals for the affront which had been offered to the officers of the *Forto*, and he says, that as no affront was offered, therefore the reprisals were wrong. What happened was, that the officers of the *Forto* thought there had been an insult to the British navy. The Brazilian Government, either admitting the insult or not, might have said, "As this is the feeling of the British officers who are in the service of an ally of His Majesty, we will refer the matter to the arbitration of the King of the Belgians or some other Power in whom we have confidence, and will be bound by his decision." If that had been done, there would have been no reprisal in the matter of the *Forto*, because Mr. Christie was instructed, that if such a proposal was made in either or in both cases, no reprisals should be made on that account. Therefore, the alleged affront having been brought before the Brazilian Government, we were justified in ordering reprisals, and it was not until those reprisals were made that we received the satisfaction of having the affair referred to arbitration. I am perfectly satisfied that it should have been referred to an impartial Sovereign; and as he has decided that no affront was offered to the British navy, I am bound to admit that no such affront was offered. It is only, however, by means of the reprisals that we have obtained this satisfaction. Up to the time that those reprisals took place there was a determination on the part of the Brazilian Government to make no reparation, and in no way to consider the matter. The noble and learned Lord has gone at length into the question of compensation. There again the Brazilian Government left us without the means which we desired to

ascertain the reparation which was to be made. What we desired was, that the sum claimed by Mr. Stevens should be examined by two persons, one acting for the Brazilian and the other for Her Majesty's Government, with the expectation that they would come to a fair decision. If they had decided that £100 represented the whole amount of damage, we should have been satisfied with that decision. With regard to the whole question, however, there was, until the reprisals took place, an apparent determination on the part of the Brazilian Government that the claim should be treated with a contempt and with a refusal of redress, such as is very rare in the case of a friendly country. When the Brazilian Government threw it upon the British Government to make this inquiry alone, saying that they would pay whatever sum was demanded, they placed us in a position of considerable difficulty, because we had no one on the other side to dispute the various items. The noble and learned Lord said that I ought to have gone to a shipbroker, and referred to him the questions with regard to the compensation to be claimed by the Government.

**LORD CHELMSFORD:** I said that the Queen's Advocate would not be so conversant with these matters as an insurance broker or an underwriter.

**EARL RUSSELL:** If that means anything, it means that I should have applied, not to the Queen's Advocate, but to a shipbroker. I can only say that it has been the custom of the Foreign Office with regard to all these questions to apply to the Law Officers of the Crown, especially to the Queen's Advocate. No doubt there may be various cases in which the Queen's Advocate may not be so competent to assess the damages as some other person might be. If a British subject comes to the Foreign Office and complains that he has been thrown into a gaol in South America, the atmosphere of which has injured his health, and asks for compensation, we refer the question to the Queen's Advocate, and ask him to consider the whole matter, and settle what compensation we should demand. The noble and learned Lord may say that the Queen's Advocate is no judge of the air of gaols, or modes of confinement, and that it would be better to consult a prison inspector, or some person who is conversant with gaols. I can only say that the regular course adopted by the Foreign Office, as far as I know, in all time, appears to me to be the

*Earl Russell*

better course. If we were to adopt any other plan than that of asking some official authority to give an opinion to the Government, we should, I think, diminish the authority of the Government and the confidence of Parliament. The noble and learned Lord, acting as the advocate of the Brazilian Government, makes the supposition that the wreck was of such a nature that various parts of the cargo must have sunk in the sea, and other parts of it reached the shore very much damaged. He therefore contends that compensation ought to be assessed on that supposition. But the supposition made by everybody on the spot, as well as by the Queen's Advocate here, was of a very different character. We have the authority of Consul Vereker for saying that the boats came on shore, and that the oars were in them; and Admiral Warren adds that there must have been some foul play in the transaction. The Queen's Advocate, proceeding in that spirit, and not according to the view taken by the noble and learned Lord, came to the conclusion that he ought to base his calculations on the ground that the goods in the wreck, forming part of the cargo, were placed in the boats and brought from time to time on shore. When, I may add, Consul Vereker reached the spot, he found that several chests had been broken open, that they were perfectly dry, that the linings had not been at all injured, and that it was not at all probable they had been exposed to the action of the sea. The Queen's Advocate, then, naturally formed the opinion that a great portion of the cargo had gone on shore, and had been there plundered. The noble and learned Lord, however, says that no demand was made on the Brazilian Government in this respect; but I believe I followed in the matter that which is the usual course, I said, "Here is a claim. You can appoint some one to examine the claim, and ascertain what is the right amount to be paid." To do that was, I think, better than to state originally what was the exact value put upon the cargo. The Queen's Advocate took into consideration the loss of wages and the contents of the seamen's chests. The noble and learned Lord said that the estimate with respect to wages proceeded on a wrong principle; but the ground on which the Queen's Advocate proceeded was this—that, according to the statement of our own Admiral and our Consul, foul play was to be inferred. Otherwise, the seamen would have brought

the goods on shore, those goods would have been protected, the seamen would have been paid their wages, as having done everything in their power to save the cargo, and their wages would ultimately have gone to their families. The loss of the wages, therefore, it was thought, ought to enter into our calculations in the demand made on the Brazilian Government. The noble and learned Lord seems to suppose that the amount of those wages was to be paid to the owners of the vessel; but I think they should rather be paid to the families of the crew. The noble and learned Lord found great fault with the compensation proposed for "possible murders," and it is quite true that Mr. Christie made no demand on the Brazilian Government for the murder of the crew. When, however, everything had been reviewed, and we were forced to exact reprisals, the Queen's Advocate arrived at the conclusion that several of the crew had been murdered. [Lord CHELMSFORD: Too probably murdered.] Just so; and then in reference to the claim for compensation the phrase "possible murder," which is less strong, occurs. Now, in regard to this point, I must say my belief is these men were murdered, and this, I am sure, is the prevalent opinion where the wreck took place. The Brazilian Government, however, by their neglect prevented the necessary evidence from being taken; they did not allow inquests to be held or the bodies to be shown. Now, if the bodies had been produced, and the throats of the missing sailors had been found cut, then it is evident that some compensation should have been made. But the noble and learned Lord seems to think that it is somewhat an extraordinary thing that compensation in the case of persons killed should be made to their families. There are, nevertheless, many such instances in which compensation has been asked for, and some in which it has been given without being asked. I recollect very well a case of a Portuguese sailor who was accidentally killed at Macao in the case of a rescue of British subjects who were supposed to have insulted the Roman Catholic religion. So far from thinking it wrong that the offer of compensation should be made in that case, the Brazilian Minister came to me and said that certain things had taken place. I replied I would communicate immediately with the Admiralty, and ask what, in accordance with their view of the matter,

should be done. Having applied to the First Lord of the Admiralty, and he having come to the conclusion that a wrong had been done, he proposed to make the most ample apology to the Portuguese Government, and to give to the family of the Portuguese sailor the most ample pecuniary compensation. Now, I can see nothing wrong in that; and if the Brazilian Government had not been rather more proud of setting the British Government at defiance than of acting in a friendly spirit, they would have taken the same course, and would have offered us compensation. The noble and learned Lord asks whether I will give further papers relating to the value of the cargo. I have only to say, in answer to that question, that any papers with which we have been furnished on the subject by Mr. Stevens which show what the nature of the goods in question was, and what was in each case, I am ready to place at his disposal. I may add, in answer to a further question of the noble and learned Lord, that I am told no insurance was paid. What Mr. Stephens from the beginning said was, that he had a valuable cargo, that he had sent it out under the charge of a man in whom he had perfect confidence, and that he was sure the vessel had been wrecked, the crew foully dealt with, and the cargo plundered. He therefore repeatedly applied to us for compensation, and I cannot help thinking that the amount fixed is very moderate. With regard to our relations with Brazil, it appears to me that in the end they are likely to be very much improved by the Brazilian Government being made aware that we will not submit to have our sailors murdered and our ships plundered without making some grave remonstrance.

THE EARL OF MALMESBURY: My Lords, I do not know whether there be any other papers or any other blue-book in the Foreign Office and which I have not seen; but I almost believe that such must be the case, for I am unable to reconcile the noble Earl's statement with those made in the papers and blue-books that have been laid before Parliament. The noble Earl states, as a fact, that the Brazilian Government refused to produce the bodies of the sailors or to have an inquest, but I appeal to both sides of the House to say whether that is correct according to the papers before us. Not only did the Brazilian Government produce four bodies, giving all the details as to those bodies, which proved that the parties had not been

murdered—for two of the bodies were locked in each other's arms; and therefore, unless they had stifled one another, they could not possibly have come to a violent death. The Brazilian Government, therefore, did produce the bodies. [EARL RUSSELL: There were ten; they did not produce the others.] The other bodies were buried in the sand, and could not be found again; but as many as could be found were produced, and a regular inquest and a regular verdict, according to the laws of the country, was pronounced; more than that we had no right to ask. The noble Earl makes the conduct of the Brazilian Government, in refusing to join in an arbitration as to the value of the cargo, an excuse for having made an exorbitant claim; but surely under the circumstances he should have exercised the most extreme delicacy, and made a claim that was rather below than above the real value. Let your Lordships just look at the probability in reference to the value of the cargo plundered. The ship was anchored outside a spit three miles from shore, and she went down at her anchors. The cargo consisted of coal, iron, soda, and beer; and there were the seamen's chests of course. It was impossible that the iron or the coal should float ashore, or, indeed, that they should have been brought ashore in the ship's boats; and the cargo consisted principally of these two things, which must have gone down with the ship and there remained. What was left to come on shore, therefore, was the soda and the barrels of beer; and the Consul admits that he saw the barrels of beer, which had been broken by the waves. The only thing left was the soda, and for that the £3,200 was paid. The amount is so exaggerated, and indeed so absurd, that the matter is hardly worth argument. The noble Earl went on to say that there were two claims which he had against the Brazilian Government; that with respect to the ship and that which referred to the insult to our officers; and that he gave orders to make reprisals on account of those two injuries to our interest and our honour. The noble Earl said, that the Brazilian Government refused to submit these questions to arbitration; but such is not the fact. The Brazilian Government paid the noble Earl the compliment of supposing that there was more justice and more judgment in his nature than was possessed by Mr. Christie, for they offered to refer the matter to the noble Earl himself, and to the Brazilian Minister in London. I do not say it

*The Earl of Malmesbury*

was the noble Earl's fault that Mr. Christie would not let the matter go out of his own hands, and therefore that the noble Earl never had an opportunity of judging for himself coolly and calmly at the Foreign Office in reference to the whole case. He left it in the hands of Mr. Christie, who evidently had some hostile feeling against the Brazilian Government. I want to know whether, when the assessment was made, Mr. Stevens was called upon to give evidence before the Queen's Advocate; and if so, what was the value of his evidence? We may judge of Mr. Stevens by his antecedents. We may find in the first place what his covetousness is by his having asked twice the amount which even the noble Earl demanded; and in the second place, he offered to come up to the Foreign Office, and bring the witnesses who had seen the sailors murdered in the fore-castle; but what became of that matter we have never been told. This is the man upon whose evidence the Queen's Advocate had to act. The fact is, that the whole of the actors in this business have been miscast for their parts. Mr. Christie, the diplomatic agent, appears as a belligerent; the Admiral acts as a jurist, and instructed the noble Earl what to ask for; and the Queen's Advocate has been used as an appraiser of the value of seamen's chests. How could the Queen's Advocate know what things a seaman was likely to have in his chest, what was the nature of different cargoes, and what was likely to be destroyed by water? The noble Earl seems to think that it would have been absurd to call in a ship-broker. [EARL RUSSELL: To refer the question to him.] To refer the question means simply to ask the ship-broker what he supposed would be the value of such a cargo in the ship, and, if the ship were lost, what would be the damage; and the noble Earl never seems to think that this was all that had been left to the Queen's Advocate—the result being the assessment which had been referred to. I very much regret that the noble Earl has not answered the question of his noble and learned Friend (Lord Chelmsford), and that he has not thought it consistent with his own dignity and that of his country to state, that after the award of King Leopold he regrets that reprisals should have been made, because the noble Earl seems to have made these unfortunate reprisals entirely on account of that dispute. I do not see what right there was to make reprisals on account of the officers

of the *Fortes*, when that question had been referred to King Leopold. But the noble Earl told M. Moreira plainly that the reprisals were made not only on account of the *Prince of Wales*, but also in consequence of the insult offered to the officers of the *Fortes*. The noble Earl had no right to make reprisals when once the subject was submitted to King Leopold. [Earl Russell: The submission was afterwards.] Then surely the noble Earl could have no scruples in expressing, since the arbitration had taken place, his regret on that point—it being such an award as shows that he was wrong, and that he was not justified in making a claim on account of the officers of the *Fortes*. It surely would not have lowered the dignity of his office or of his country to have said this, and I trust the noble Earl will not allow any feeling of false pride to prevent a reconciliation with the Brazilian Government. I hope that your Lordships will consider that it is of the greatest possible consequence that we should be on good terms with Brazil, and we have already had some awkward questions with that country, in which we had not always been in the right. There is the case of the slave trade, and naturally our dislike and hatred of slavery have sometimes blinded us as to the point in dispute. When I say this, I wish to refer to what is called the Aberdeen Act. That is certainly a most unjustifiable Act as between one nation and another. The Aberdeen Act was passed to give Her Majesty's cruisers power to stop and search Brazilian vessels supposed to be engaged in the slave trade, even in Brazilian waters. That, in my opinion, was simply an Act to legalize piracy for the purpose of punishing pirates. I am in a position to state that not long before Lord Aberdeen's death, in a conversation which we had together, Lord Aberdeen told me that he had never felt satisfied in his mind that he was right in proposing that Act, and that he should be very glad to see it repealed. I think the Act a breach of international law to the utmost extent. It is no excuse for it to say, that because one country committed crimes and breaches of treaty, we should pass an Act that is opposed to international law, and which can only be enforced by a strong country against a weak one; for it is quite evident that this law cannot be put in force against a strong Power, but only against a weak one. It appears to me, that so long as that law exists, the two countries cannot

be on good terms. The Act was suspended by my noble Friend (the Earl of Derby) during his Government in 1852, and it has remained suspended ever since. It, however, continues to be a disgrace to our statute-book, a standing sore to the Brazilian people, and a constant irritation to their pride. I beg to suggest to the noble Earl whether the time has not come when an Act which is not now in force should be repealed, and the noble Earl may depend upon it that nothing would give greater satisfaction to the Brazilian people than a repeal of that Act. I think that many of the questionable acts of the Brazilian Government may be accounted for, if they take the same view of this Act as I do. If the noble Earl asks me why I did not while I was in office attempt to repeal that Act, I will candidly own that the Government of my noble Friend (the Earl of Derby) was not strong enough to take such a step; and that during the existence of that Government their political enemies sought every opportunity to thwart and oppose them. That was the only reason I did not suggest and press upon my noble Friend the propriety of repealing that Act. I mention the subject now because it will give to the noble Earl the Foreign Minister a chance of re-opening negotiations with the Brazilian Government, and holding out the hand of fellowship to a people who feel offended by our recent conduct towards them.

EARL RUSSELL: As the noble Earl has expressed his opinion that it is of the highest importance that Her Majesty's Government and the Brazilian Government should be on good terms, I may mention that I have been informed by the Minister of the King of Portugal in this country that his Sovereign has directed his Minister in Brazil to take steps with a view of seeing whether a good understanding cannot be restored between the two Governments. I think it is better to wait to see what effect that recommendation will have, and I, for one, should be most happy to announce that they have been successful.

EARL FORTESCUE said, he regretted to hear that any ungentlemanly qualities had been attributed to his old friend Mr. Christie. Mr. Christie had been charged with being influenced by the most unworthy motives in his dealings with the Brazilian Government. It appeared to him (Earl Fortescue) that the noble Earl opposite (the Earl of Malmesbury) should have

exhibited greater forbearance, considering the very favourable way in which the noble Earl, when in office, had spoken of Mr. Christie. In his public despatches he had spoken of him in the most laudatory and friendly terms, and had even pressed him to remain at his post.

**THE EARL OF MALMESBURY**: I never pressed Mr. Christie to remain in office. It does not follow because I approved of his acts in 1852 that I should also approve of what he did in 1863.

#### GALWAY CONTRACT.—QUESTION.

**THE EARL OF HARDWICKE** asked the Postmaster General,

1st. Whether the Contract for the Conveyance of Mails between Galway and America has yet been concluded?

2nd. Its terms; and whether any and what Modifications, more especially as regards the landing of Mails or Telegrams at Saint John's Newfoundland?

3rd. When the Performance of the Service is to commence?

4th. Whether, notwithstanding the Reports of the Admiralty Surveyors as to the Unfitness of the Vessels, the Government are prepared to incur the Risk of another Failure in this Service?

5th. Whether any steps have been taken by the Government Authorities to ensure the Public against the Consequences of those Deficiencies in the Vessels of the Galway Company pointed out by the Admiralty Surveyors?

There was great anxiety on the part of the public to ascertain the precise facts in regard to this matter. He therefore submitted those questions, which were put in the interest of the Irish people, with a view of eliciting a distinct answer to each. He trusted, therefore, that the noble Lord would give a categorical answer to his five Questions, and that he would not confine himself to a general reply.

**LORD STANLEY OF ALDERLEY** said, that with regard to Question No. 1, he had to say that the contract had been drawn up and forwarded to the Company, and it remained for them to accept it or not. He believed they were prepared to accept it. In answer to Question No. 2, the terms of the contract were precisely the same as the previous one, without any modifications, except as regarded two points—the one was that no Member of either House of Parliament should share in the contract; and the other, that before the contract should come in force it should be laid for one month on the table of the House of Commons. No alteration

*Earl Portescou*

had been made in the terms of the contract as regarded the landing of mails and telegrams at Saint John's, Newfoundland. It was taken for granted that the port of St. John's would be continued as the place for landing and departure of the mails on the opposite side of the Atlantic. As to the third Question, the time at which the contract was to commence would depend upon the time at which the contract was signed; and when the Company intimated that they were ready to perform their part of the contract, the Government would name a day for the performance to commence. In answer to the fourth and fifth Questions, he was not aware of any additional security being provided for the fulfilment of the contract. The Government surveyors had reported to the Admiralty that though the vessels were in some respects fit to perform the voyage, yet possibly when they were loaded they might not be able to keep up the required rate of speed. The Government, however, were not prepared to insist upon the complete fulfilment of the terms of the contract in that respect; but if the voyages were not performed within the time specified, the Government would insist upon the penalties stipulated for in the terms of the contract. He had nothing further to say upon the subject.

#### PRISON MINISTERS BILL.

Commons' Amendments to Lords' Amendments considered (according to Order): *Moved* not to agree to the first Amendment of the Commons to the Lords' Amendments, but to amend the Words thus reinstated; *agreed to*: Commons' Second Amendment *disagreed to*; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to One of the Amendments made by the Commons to the said Bill; The Committee to meet *forthwith*: Report from the Committee of a Reason, read, and *agreed to*; and Bill, with the Amendments and Reason, returned to the Commons.

House adjourned at a quarter before  
Eight o'clock, to Thursday next,  
half past Ten o'clock.

#### HOUSE OF COMMONS,

*Tuesday, July 14, 1863.*

MINUTES.]—PUBLIC BILLS—*First Reading*—*British Columbia Boundaries (Lords)*\* [Bill 187]; *Colonial Letters Patent (Lords)*\* [Bill 237]; *Expiring Laws Continuance*\* [Bill 238];

Indemnity\* ; Land Tax Commissioners' Names\* [Bill 239] ; Petty Offences\* [Bill 240].

*Second Reading* — Turnpike Trusts Arrangements\* [Bill 227] ; Turnpike Acts Continuance, &c.\* [Bill 228].

*Committee*—Union Relief Aid Acts Continuance [Bill 199] ; Fortifications (Provision for Expenses)\* [Bill 213].

*Report*—Fortifications (Provision for Expenses)\* [Bill 213] ; Union Relief Aid Acts Continuance [Bill 236] ; Holyhead Harbour Committee\* [No. 445].

*Third Reading* — India Stock\* [Bill 212], and passed.

#### UNION RELIEF AID ACTS CONTINUANCE BILL—[BILL 199]—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. C. P. VILLIERS moved that the House go into Committee on the Bill.

MR. CHILDERS said, he rose to move the Resolution of which he had given notice, to the effect that it was desirable that any monies raised under the Bill by way of loan on the security of the rates in the distressed manufacturing districts should be applicable to assisted emigration to such colonies as might be willing to co-operate in carrying it out. While approving of what the Government had done to relieve the distress in Lancashire, he thought that other measures should be taken. He thought, that even if the war in America should speedily come to an end, and supplies of cotton be obtained from the Southern States, four or five years must elapse before there would be a return to anything like the former state of prosperity in Lancashire. He was therefore of opinion that emigration should be encouraged. His proposal was, that instead of restricting the amount of the rates to be applied to purposes of emigration in the distressed unions to one-half of the average amount of the three previous years, as authorized by law, the guardians should be empowered to apply such portions of the money raised on the security of the rates as they should think fit to the same purpose. He wished to dispel some misunderstanding which existed as to the objects he had in view. He wished to state distinctly that he did not in any way propose to obstruct the progress of the Bill, because he approved generally of the course which the Government had taken on the subject. He did not advocate what was called indiscriminate emigration because he believed nothing

could be more injurious than to attempt to relieve the distress by any rash scheme of emigration. Neither did he propose that any grant of public money should be given for that purpose. He approved of what the Government had done for the relief of the distress ; and although he did not think the Bill which they had lately passed would produce all the effects lately anticipated, yet, as Lancashire wished, he thought the Government did right in introducing it. But he did not think the measures which had been taken sufficient, and he thought that other measures should be taken which would have the direct effect of relieving the distress, and indirectly would be beneficial to the Empire and the manufacturing districts. According to the best authorities, we might expect, during the coming winter, that from 400,000 to 500,000 persons in the manufacturing districts would be in a state of considerable distress. This fact should be borne in mind, that there had been a steady inflow of something like 35,000 persons every year into the manufacturing districts seeking employment there, and now that a check had come upon the trade in those districts, they had not only to provide for the persons already thrown out of employment, but also for the stoppage of that emigration from one district into another—that emigration being essentially necessary for the prosperity not only of the manufacturing but of the agricultural districts. Of course, that inflow had ceased, and where had those people gone ? His impression was that a very large proportion of them had crowded last year into the large towns, and where the main cause of the extraordinary increase of crime, at which they were so justly alarmed, and which had led to the appointment of the Committee of which he had been a member to inquire into the cause. That being the state of things, he was of opinion that the measures taken by the Government would not meet the danger to the whole community caused by the stoppage of the emigration into the manufacturing districts to which he referred, unless the Government encouraged the emigration of a certain number of persons to places which were capable of receiving them. It had been stated that in 1847 the emigration was so large and wholesale that it produced in its results very disastrous consequences, and therefore that they ought not at present to encourage emigration for fear of a recurrence of those evils. It was a curious fact that the emigration from 1852 up to



1858 was very much larger than the emigration which took place during the whole year of the distress caused by the failure of the potato crop in Ireland. This country was capable of carrying on a much larger emigration than the indiscriminate emigration which had taken place in years past. In the years 1846, 1847, and 1848 respectively 129,000, 258,000, and 248,000 persons emigrated from this country owing to the distress that then prevailed in Ireland. In 1849, 299,000 persons emigrated; in 1850, 280,000; in 1851 the number increased to 335,000; in 1852 it reached 368,000; in 1853, 329,000; and in 1854, 323,000. Thus it appeared that during those years there was a steady and, he believed, very advantageous emigration carried on simultaneously with abundance of employment and great prosperity in the country. In 1860 the numbers fell to 158,000, in 1861 to 91,000; and in 1862 the numbers rose to 121,000. These figures showed, that considering the emigration of former years, a larger emigration might go on with safety and with advantage both to those who went and those who remained behind. It had been contended on a former occasion that there were already Acts of Parliament in operation which enabled Poor Law guardians to assist emigration. By the 4 & 5 Will. IV., c. 76, s. 62, the ratepayers of a parish might borrow and spend on or in aid of emigration "of poor persons having settlements" not above half the average rate for the three preceding years. By the 12 & 13 Vict., c. 103, s. 20, guardians of unions were enabled to borrow for the emigration of the above to the extent of £10 a head, without the consent of the ratepayers, if the guardians of the parish consented. By the 11 & 12 Vict., c. 110, s. 5, unions could procure or assist in procuring the emigration of irremovable poor; and orphan and deserted children might be assisted to emigrate by the parish or union. The Legislature had, therefore, already sanctioned the principle that the poor rates might be applied towards emigration. The provisions of the Acts which he had cited were, however, inapplicable to the present moment. His proposal, as he had said, was, that instead of restricting the amount of the rates to be applied to purposes of emigration in the distressed unions to one-half of the average amount of the three previous years, as authorized by law, the guardians should be empowered

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to apply such portions of the money raised on the security of the rates as they should think fit for the same purpose, subject to the consent of the individual parishes. That was a permissive power, and the guardians need not make use of it unless they chose. The emigration he wished to assist would only be to those Colonies which were willing to co-operate in carrying it out. He might be told that the class of persons whose emigration he wished to assist could not be taken away suddenly to the Colonies and to a totally different climate without faring worse than if they remained at home; but such arguments, which would have been well-founded twenty years ago, were inapplicable to the present state of things. The Colonies then were almost exclusively agricultural and pastoral. The most important of the southern Colonies was Victoria, the population of which in 1861 was 540,000 souls. The population engaged in manufactures, mining, and other pursuits, irrespective of agricultural and pastoral callings, was 79,000; so that if 20,000 or 30,000 were added to the population of the Colony, they would be absorbed by other industries, even if none were fitted for agricultural and pastoral life. Then it was said that people ought not to be sent from hot rooms to endure the rigours of a colonial climate. But the winters of their southern Colonies were much warmer than those of this country, and the climate was very mild and strengthening to weak constitutions. The passage-money of emigrants was £14, but from £16 to £18 per head might be put down as the total expense. He did not wish the House to give any encouragement to emigration, except to those Colonies which were also prepared to assist it, and no colony would assist emigrants unless it was for its advantage to receive them. One colony had sent home £5,000 to encourage emigration; another £10,000, and a third £5,000. The colony of Victoria had received from 70,000 to 80,000 emigrants in one year, with no palpable reduction in the rate of wages. New South Wales, Queensland, and South Australia were also ready to receive large numbers, and the Governments of those Colonies knew the importance of providing dépôts for the comfortable reception of the emigrants on their arrival. But then he was told that the real difficulty was that the operatives in the distressed districts did not want to emigrate. An hon. Member had said that

everybody wanted everybody else to emigrate. [Mr. COBBEN: Hear, hear!] He would tell those who held that language that those who did not wish anybody else to emigrate were the employers of labour. It was, however, a misconception to suppose that there was an unwillingness to emigrate in the manufacturing districts. He had obtained a statement from the Emigration Board of the number of emigrants from this country during the first six months of the present year. In 1862, as he had stated, the number was 121,000. The first six months of 1863 had, however, reached the amount for the whole of the previous year—namely, 121,000. [An hon. MEMBER: Where did they go to?] The English and Scotch emigrants in 1862 were 47,000, and in the first half of the present year 36,000, or at the rate of 72,000 a year. The emigration to America that year was greatly in excess of last year; but was it not to their interest that the stream of emigration should be diverted from a foreign country to their own Colonies, where wages were higher, and where the emigrants would become consumers of British manufactures—not to the extent of a few shillings a year, as in America, but of £10, £12, or £14? To show the desire of the factory classes to emigrate, he would give the result of the inquiries of Mr. Knight, who was sent into the manufacturing districts by a society with which he was connected as acting emigration agent to Victoria. Mr. Knight, in a letter dated Manchester, May 6, 1863, said—

“The siege of my office by persons clamorous to emigrate continues unabated. There are thousands of eligible people connected with and affected by the manufacture of cotton who are most anxious to emigrate; they are not merely spinners, weavers, dyers, and the like, but carters, labourers, carpenters, bricklayers, engineers, smiths, strikers, &c., and a large number of tidy-looking domestic servants. I have selected many of these people, who are either in receipt of relief or in very great distress. There is no need to fear that in the present or larger drafts from the manufacturing districts we shall be likely to swamp the Colony with useless hands. Prior to going into the mills a very considerable number of factory operatives were engaged in outdoor work, and it will be no great effort for these people to fall back upon their former pursuits, most of which are quite congenial with colonial life. The operatives in several districts are forming emigration societies, and are collecting small weekly subscriptions.”

In a subsequent letter, dated July 1, 1863, Mr. Knight said—

“I was sufficiently long in Manchester and the adjacent districts to ascertain the feeling of the

unemployed operatives on the subject of emigration, and from what I saw and heard I have no hesitation in declaring that the majority of the persons out of work by reason of the cotton famine would rather emigrate to any part of the globe than remain in their present abject, hopeless, and dependent condition. ‘Pray do something to get us out of this,’ was the kind of appeal made to me every hour of the day—an appeal which I could only respond to to the extent of about one-half per cent of the applicants. On the third day, finding the applications were exceedingly numerous, I had my name taken down and a notice put up ‘that I could not provide passages for any further number of people’ but, notwithstanding this, the place was constantly crowded, the passages and staircase being continually full of people. On many occasions the portion of the street opposite to the office was crowded, and we had frequently to call in the aid of a police-constable to keep the place from being blocked up. This rush of applicants continued unabated for a month, and during the last fortnight I was obliged to keep a man in the lobby to assure the people that my lists were full, and to adopt other means of getting rid of the numerous applicants. In the course of a month not less than 12,000 persons applied to me for passages to Australia. Had I taken a prominent office and publicly announced my object, and had I been furnished with means and an adequate staff to do the work, I firmly believe that I could have booked 1,000 names per day, and continued at that rate for many months.”

Mr. Knight appended a note from the Glossop Spinners and Minders’ Society, in which he was assured that the whole of that body and their fellow-operatives were desirous of emigrating. It also appeared that emigration societies had been formed in Gloucester, Nottingham, and Manchester for the purpose of assisting emigration. The colonial Governments in some cases offered land, and in other cases made advances to the emigrants, but in one shape or another those colonial Governments would assist emigration in the next year to the extent of from £200,000 to £300,000, if it were met by a corresponding outlay by or on behalf of the emigrants. Many of these factory operatives were suited to the Colonies, and they only required aid from local contributions. He only proposed to give the local authorities power to apply the principle laid down in the Poor Law Act, and he believed that the Amendment he proposed would do much to supplement the excellent measures which the Government had brought in for the relief of distressed districts.

MR. MARSH said, he rose to second the Amendment. In proof of the rapid increase of the Southern Colonies, he might state that the population of Queensland, which had been separated from New South

Wales, was 16,000 four years ago, but was then 45,000, the emigrants having come chiefly from the United Kingdom. The great objection to the proposal was that the people were not generally fit for the work of emigrants. He could say from his own experience, particularly with reference to people from the north of England, that they did not want people with specialities, but people who had good common sense and who would work. Persons made very good shepherds who had not been brought up to that calling in the mother country. In the days of convict labour it was well known that there was no better shepherd than a London pickpocket. The sort of persons who were not wanted in a Colony were those having a certain amount of education without capital. That class were starving in the Colony. Wages were high at Brisbane, and any decent family going into the interior might expect to receive £100 a year if they could make themselves useful. An old shepherd of his used to say it was the best place in the world for women, because there were no shops there. As a rule, it was better to let emigration find its own level; but the present was an exceptional case, and as the proposed was a permissive clause he would vote for it.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that any monies raised under this Bill by way of loan on the security of the rates in the distressed manufacturing districts, should be applicable to assisted emigration to such colonies as may be willing to co-operate in carrying it out,"—(Mr. Childers.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. NEWDEGATE said, he would also support the Amendment as an exceptional measure. A portion of the rates would be most usefully employed in assisting the emigration of women under due regulations. There was in England an enormous disproportion of the sexes, which was increasing every day, and which was the cause of much vice and demoralization.

COLONEL WILSON PATTEN said, he was certain that every one who assisted in the relief of distress in the manufacturing districts would feel deeply

Mr. Marsh

indebted to the hon. Member, and would receive any suggestions for the relief of the distress, with a wish to adopt any measures that might be useful and practicable. The House would, however, go beyond its functions if it undertook to recommend the guardians to apply the money raised for the maintenance of the distressed operatives in assisting emigration. The Central Relief Committee had considered the question of emigration. They had a very large population to maintain, and it was the duty of the authorities to deal equally by all in the distribution of the sums raised, by subscriptions, loans, or rates. It was a mistake to suppose that the Central Relief Committee were opposed to emigration. Individually he had, perhaps, according to his means, contributed as much as any one in that House towards emigration; but he believed that a great disappointment awaited the Lancashire operatives if they rushed headlong into emigration. The owners of property in the distressed districts were mortgaging that property, and raising money on the security of the rates, and he trusted that the House would not give an opinion as to the application of that money. He thought he might undertake to say that all parties in Lancashire were deeply impressed with the duty that might be imposed on them next winter, and every effort, he believed, would be made by every class of society to meet that distress. Under those circumstances, the House would act judiciously to trust a little to the good sense and judgment of the guardians to apply the money which the House might empower them to raise for the relief of the distressed districts.

MR. FERRAND said, it was evident from the appearance of the House that his hon. Friend had no chance of carrying his Resolution. It was his (Mr. Ferrand's) belief that the employers of labour in Lancashire and the cotton districts were making common cause with the Government in discountenancing any attempt to promote emigration. After the repeal of the Corn Laws 2,500,000 of the population had emigrated, because they found that free trade did not enable them to earn the same wages as they had before. If the manufacturers were to have protection accorded to them, it was their duty to consider what would be the condition of the factory operatives during the next winter. It appeared from statements made in that House, that all but £460,000 out of the

£1,500,000 of aggregate subscriptions at the disposal of the Central Committee had been spent upon the distressed operatives of Lancashire, and adding to that sum the £200,000 which was to be granted under the Bill, that would give £660,000 to be expended among the distressed factory population of Lancashire; but if it were true, as had been stated by the hon. Member for Pontefract, that there would be that year between 400,000 and 500,000 factory operatives unemployed in Lancashire, the whole of the money placed at the disposal of the different relief Committees for the relief of the distressed operatives would only give 30s. a head. Would the President of the Poor Law Board permit him to make a suggestion? There were 30,000 able-bodied men now out of employment in Lancashire. In the agricultural districts, on the contrary, sufficient hands could not be got either for the hay or corn harvest. Could not the Central Relief Committee send a large body of these men into the rural districts? They would all be able to make hay, and many were accustomed to farm labour. He was told by an hon. Friend yesterday, that in his district the hay seeds were dropping on the grass because hands could not be got for the hay harvest. He came up from Yorkshire yesterday, and saw fields that ought to have been cut a week or ten days ago. If the hot weather continued, the grain would want cutting very soon, and many thousand hands would be wanted in the agricultural districts. The farmers would be willing to give these operatives 2s. or 3s. a day, and by this means they could accumulate a sum of money which would keep them and their families for a long time.

MR. BAGWELL said, he was quite ready to admit that every exertion ought to be made with a view to alleviate the distress existing in Lancashire, and two Bills to effect that object had been introduced, one of which had passed. But, without wishing to introduce an Irish element into the debate, he could not refrain from contrasting the eagerness with which measures for the relief and emigration of the distressed districts in England were discussed with the apathy of the House and the Government in regard to the distressed districts in Ireland. A few days ago he had given the Secretary for Ireland a letter from *The Times* relative to the distress in Connaught. He had since heard nothing from the right hon. Gentleman, and he supposed that no

notice would be taken of the matter. It was too much to expect the Irish people to remain loyal when they witnessed the unfairness which was practised towards them.

MR. HIBBERT said, he sympathized with the views expressed by the hon. Member for Devonport (Mr. Ferrand); but he thought that no stimulus should be given to emigration, because some regard ought to be felt for the ratepayers left behind. Emigration ought to be left to be carried out in the ordinary way. It certainly did not, he thought, call for a Resolution of the House to be passed in order that it might be promoted. The existing law was quite sufficient, if the guardians really wished to encourage emigration.

MR. ADDERLEY said, that it might not be desirable to adopt the Amendment, and he thought that his hon. Friend the Member for Pontefract would be more likely to attain his end by withdrawing than by persevering with his Resolution. It would then be open to him to move the insertion of a clause enabling the guardians to apply any portion of the money raised by loan towards emigration. The sums voted by the colonial Parliaments, and placed in the hands of the Emigration Commissioners, were not, he believed, exhausted; but difficulties were, he understood, raised to the acceptance of the money in Lancashire.

MR. C. P. VILLIERS asked, why the sense of the House should not be taken now on the Amendment, instead of raising another discussion in Committee. He thought his hon. Friend was a little discouraged by those on whom he had relied to support his Motion. He (Mr. C. P. Villiers) had waited to hear the arguments in favour of the Resolution, and must confess himself disappointed. He thought his hon. Friend was going to tell them that the guardians had applied for the power he would confer upon them, or that memorials were presented from the operatives, to enable the guardians to apply the money raised in the manner proposed to enable them to emigrate, but his hon. Friend did not say that such was the fact. His hon. Friend merely said that emigration was going on in a manner that was quite unprecedented, and that during the first six months of the year it exceeded what had occurred during the whole of some previous years.

MR. CHILDERS: I said the emigration of the first six months of this year

exceeded 1862; but I did not apply the observation to previous years.

MR. C. P. VILLIERS said, the fact was, that the total numbers that emigrated in 1862 were 121,214; and during the first six months of this year 121,765 persons emigrated, which confirmed exactly what his hon. Friend had said. But that was an extraordinary argument to use for giving extraordinary means to assist emigration. He was astonished that his hon. Friend did not tell the House what he had told many Members individually, of the very large funds now available in the Colonies for emigration. His hon. Friend had, indeed, stated at a public meeting at the Mansion House, that no less than a quarter of a million was now available in one of the Colonies for the purposes of emigration; but not one word had they heard that day from his hon. Friend of that large sum. He had expected, moreover, that at least on this occasion the hon. Member would have been supported by those who usually acted with him in colonial matters; but the hon. Member for Salisbury (Mr. Marsh) had given him as little encouragement as he had ever heard. The hon. Member, who, from long residence there, was well acquainted with the Australian colonies, stated—that every rational colonist would state—that they should be extremely careful as to the persons sent out; that such persons should be restricted in various respects, and that above all they should be careful not to send out men without some capital, or with habits unsuited to the life in new countries; and, indeed, he referred to men with the unsettled habits of those who in former times had been transported, as being more successful than those with the habits of operatives. But, by the Motion of the hon. Member (Mr. Childers), the guardians would have to send out men who were unfortunately destitute, and who had no means of maintenance from week to week. The hon. Gentleman (Mr. Childers) had underrated the means which the guardians already possessed, when they chose to exercise it, for sending out emigrants. For the purpose of removing those who were called the irremovable poor, they could charge the common fund of a union to any extent they pleased. The duty of the guardians was to relieve the destitute as well as they could, looking to the interests of both the poor, and the ratepayers. Why, for that purpose, should they be asked to send them to Victoria, if there were other places which would suit them better? There

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were other parts of the world to which the emigrants preferred to go. If reference was made to the Returns, it would be found that an overwhelming majority of the emigrants from this country went to the United States. Were they, then, to be told, that when a man could go for £5 to a country where he was certain of being immediately employed, and where the manners and customs of the country were analogous to those of England—were the guardians to be told, as the hon. Member for Pomfret proposed that they should be told, not to assist emigrants to that country, but only to send them to Victoria? In the five months ending with May last, the total number of emigrants was 97,558, and of that number 66,946 went to the United States. [MR. FERRAND: Yes, Federal recruits.] How did the hon. Member know that? It was all very well to say so, and to circulate rumours to that effect. Could he state it as a fact? It was like a good many other statements similarly made which were not facts at all. Were they, then, to tell the guardians, who could send people where they wanted to go for £5, to send them when it would cost £20, because the hon. Member said he could give £10 of that sum? That was not showing much regard for the poor man, whatever it might be for the Colony. That emigrants really wished to go to the United States, was shown again by the returns for June. In that month 24,405 emigrants left this country, and of that number 16,275 went to the United States. If this were the case, why should the guardians be compelled to send the emigrants to where they did not wish to go, and that too at a greater cost? And let it be observed, that this was a proposition to legislate afresh on this subject, and that it was a question of assisting people to leave this country on account of a dearth of employment at home. His hon. Friend proposed that the guardians should only send the operatives to countries that assisted emigration. But suppose parties in the United States should promise these persons labour at good wages, and say that they would pay £1 a head towards the expense of sending them out, that would come within the terms of the Resolution of his hon. Friend. [MR. CHILDERS: No; my Resolution only refers to emigration to British Colonies.] Well, many of these persons, if they were sent to the North American Colonies, which the hon. Member's Resolution would not preclude, might, as they al-

ways had done, find their way down to the eastern cities of the United States. It was certain, that if the guardians had only to consider the interest of the unions, as well as that of the poor people who had suddenly become destitute, they would assist them to go to the United States; and it was for the House to consider whether they would legislate especially to promote that object. It might be that some persons, whose interests were in the Colonies, might think that England's misery was Melbourne's opportunity; but, for his own part, he could not see any occasion to direct the guardians as to the mode in which they should apply their funds for the relief of distress. The hon. Member for Devonport (Mr. Ferrand), on whose support he believed the hon. Member for Pomfret relied, told them that there was plenty of work in the country—that there was a great harvest to gather in, and that the operatives might go and gather in that harvest, and go back to their homes with money to keep them through the winter. He (Mr. C. P. Villiers) believed there was a good deal of sense and truth in that; but the hon. Gentleman (Mr. Ferrand) would excuse him if he expressed the astonishment he felt at hearing those views from him. He said there was plenty of work in the country. [Mr. FERRAND: For the next two months.] Just so, and therefore the people might earn money to help them to get over the winter. Now, he (Mr. C. P. Villiers) thought, if there was employment in the country, they would do wrong to stimulate emigration. The Motion of the hon. Gentleman (Mr. Childers) was a plan to assist and favour emigration, for which, according to the hon. Member for Devonport, there was no occasion at present. He (Mr. C. P. Villiers) thought it right to call the attention of the House to one circumstance. The hon. Member for Pomfret referred to Lancashire, and said there were there a great number of cotton operatives who wanted the means of living, and who might now receive assistance to go to the Colonies. He (Mr. C. P. Villiers) did not wish to dispute the authority of the hon. Member as to the want of emigrants in the Colonies; but he went that morning himself to the Board of Emigration to ascertain under what restrictions people were sent out to the Colonies. The funds of that Board were supplied by the Colony, under certain restrictions imposed by it, as to the people who should be sent out; and he found that under those restrictions the

cotton operatives were absolutely excluded from the assistance of the Board. The colonists, therefore, did not, it was clear, want the people that the guardians would desire to send out. They must not be above forty, they must not have more than two children; and they must have been occupied either as agriculturists or mechanics. That was most especially the rule as regarded the colony of Victoria. He did not mean to say that others had gone out who had not succeeded, but the question now was whether the Government should interfere to direct the guardians to send their poor out there, and he contended that the Government should be very careful in what it did in this matter. It was bound, not only to be careful as to whom it sent, but a responsibility would attach to it as to what became of those people after they arrived there. He should be sorry to send out poor people, for instance, to Queensland. He had seen letters from people who had gone out there, even with some means, and they believed that they had been grossly deceived. There was hardly sufficient capital to employ them, and they had no means of realizing fortune for themselves. And it must be remembered, that when working men went to very young Colonies, or new countries unless they found employment, they went to the very bottom of society, almost, in fact, returned again to savage life. He said, then, there would be great want of humanity in sending people out to new countries unless they were sure to get employment. At present the guardians had a discretion as to sending out emigrants to a much larger extent than the House imagined; and yet, since the distress had commenced, he never heard of more than one instance of their exercising that discretion. The hon. Member (Mr. Childers) spoke of a continual flow of labour from the agricultural into the manufacturing districts, which when trade was good found employment for them; and he seemed to think that that drain on the agricultural districts was immediately followed by a flow of population into those districts from some unexplained source. There was no question that there had been most extraordinary prosperity in the manufacturing districts of late years, and a great draft had been made on the agricultural districts for labour. He believed that draft had caused great inconvenience in the agricultural districts into which there was not that flow as the hon. Member imagined; and that, owing to the scarcity of labour, difficulty

was felt even in getting in the harvest. Surely that was not the argument for sending the people away. The people might, at this moment, be redundant in the manufacturing districts, but the Colonies that the hon. Member represented, wanted the agriculturists and mechanics in preference to the operatives. His deliberate opinion was that they had not got one man too many in the country, and he did not think it would be wise to legislate in order to hasten emigration. Let the people have easy access to all the information which the Government possesses respecting all our Colonies, but leave it to themselves to decide whether they would go or stay, or where they would go.

MR. HENLEY said, that every one must have been struck by the difference in the tone and manner of the President of the Poor Law Board from that of the hon. and gallant Gentleman the Member for North Lancashire (Colonel W. Patten). His hon. and gallant Friend said, that he, as a Lancashire man, was thankful for every suggestion for relieving the distress that threatened the manufacturing districts next winter. The right hon. Gentleman, on the other hand, had talked of "England's distress being Melbourne's opportunity;" but he (Mr. Henley) would ask the House, seeing how liberally that Colony had come forward for the relief of the distressed operatives, whether that was a decent observation. He believed that it was proposed to obtain, under the Bill, an advance of £200,000 from the Exchequer Loan Commissioners at a low rate of interest to mitigate the coming pressure. He did not understand, however, whether any part of the sum of £200,000 might be applied towards the purpose of emigration if the guardians thought fit. The right hon. Gentleman said it was the duty of the Government to see what became of the people who emigrated to the Colonies; but he did not appear to extend his paternal care to those who were supposed to go out as Federal soldiers. The right hon. Gentleman, however, said it was better to send the distressed operatives to the United States than to the British Colonies, although they might be shot within six months after they got there. He could not help fearing that the pressure in the manufacturing districts would be far heavier next winter than last year. The operatives could not look for so much assistance out of their own borders, and he could wish that the local authorities should be able to

*Mr. C. P. Villiers*

apply the money borrowed under this Bill, some in one way and some in another, as different Boards might see fit. He very much regretted that the right hon. Gentleman had met the Amendment in the sort of spirit he had shown. That was not the way to get through the difficulty, nor was it very gracious to cast motives on those who were helping us. One thing was certain, that every man who was assisted to emigrate would relieve the funds during the coming winter.

MR. C. P. VILLIERS said, that the guardians could apply the money raised under the Bill to any purpose to which they could apply the rates.

MR. COBDEN: Sir, the right hon. Gentleman has attributed a little impatience to my right hon. Friend at the head of the Poor Law Department, in the manner in which he met this Motion. Now, I must say, so far as those Members are concerned who are connected with Lancashire, that we have only to offer to the right hon. Gentleman our most unfeigned thanks for the patience and solicitude which he has shown in this great trial. And if he has shown a little impatience now, he is very wrong in doing so as a Cabinet Minister; because a Cabinet Minister ought never to allow himself to show any impatience; but if he has shown a little impatience, I am not surprised. I confess myself to be a little intolerant on this subject—not as to emigration, because emigration, when properly organized—say on such a plan as that of my hon. Friend the Member for Manchester (Mr. Bazley), who sent out the capital to the Colony along with emigrants—is a very good thing—but I am rather intolerant when I hear hon. Gentlemen in this House, and some gentlemen out of it, interpose the question of emigration as a panacea for everything, and thus obstruct us in our endeavours to carry out what is the only practical way of meeting this great emergency. Now, the Motion of the hon. Member for Pontefract (Mr. Childers) is as impracticable, as utterly uncalled for, as anything that has ever been brought before us. He says, that those means now about to be raised should be "applicable to assisted emigration to such Colonies as may be willing to co-operate in carrying it out." Well, but to obtain that co-operation from the Colonies to which the hon. Gentleman refers, it would require that we should send out to Australia. There is not a shilling in hand. I have been to the emigration office. I have inquired at that department,

from which alone the hon. Gentleman can get his information, and I find that they have not a farthing in hand to assist this emigration. If we are to obtain the co-operation of Australia or of New Zealand—for the hon. Gentleman's Motion does not apply to Canada, or the nearer Colonies—if we are to have the co-operation of the Legislatures of the Colonies to which he refers, we must wait six months before we can get their decision. I ask, if that is a practical plan to bring before us, when we have only a week or two to carry out this measure? [An hon. MEMBER: Which is limited to six months.] And which, as my hon. Friend says, is limited to six months. From some of the Colonies, emigration grants had been made; but if the money were here in the hands of the emigration agents, it would be useless to factory operatives, because the Emigration Office is bound down in the administration of these funds to certain rules, which preclude the acceptance of factory hands. My right hon. Friend the Member for Wolverhampton (Mr. Villiers) has referred to the conditions on which assisted passages to the Colonies are granted. I have been to the office also, and I have got the document corrected to the latest period, setting forth the conditions on which grants are made. The paper is from the Queensland Government Emigration Office. It sets forth the terms upon which they propose to assist emigrants to that Colony—and the same rules apply to all the Colonies more or less. Now, what class of people do the Colonial Government wish to have? Here is the description—

“The class of persons alone eligible are domestic servants, farm labourers, vine dressers, labourers, and mechanics. By ‘labourers’ is to be understood those whose labour has been connected in some way with the land, such as gardeners, road makers, miners, quarry-men, &c. By ‘mechanics,’ not ‘skilled,’ such as machinists, engineers, painters, printers, compositors, &c., but blacksmiths, bricklayers, masons, sawyers, carpenters, wheelwrights, shipbuilders, &c.”

The factory operative or cotton-spinner and weaver is expressly excluded by the terms of this order. Therefore, for us to wait for the possible co-operation of Australia for some six months, when we have their own conditions already made public, would be a waste of time, and the proposition to do so, can hardly be regarded as worthy the attention of the House. The hon. Member for Pontefract alluded to some voluntary extra subscriptions, sent over in addition to the regular sums raised by

the Legislature of the Colonies, to bring out emigrants. It is true, there have been subscriptions to assist the cotton operatives to emigrate, but it has been a very small amount. The hon. Gentleman says that Mr. Knight, an agent for the body under whose direction these funds were administered, went down with the power to assist 300 operatives to emigrate. Only think of 300! Why it is a mere drop in the ocean. Mr. Knight, the hon. Gentleman says, went to Manchester, and he tells me that I am quite wrong in saying that the people are not willing to emigrate, for that that gentleman had 8,000 or 10,000 applications from persons desirous of being sent out by him. Well, in the first place, Manchester is not the cotton manufacturing district. Manchester is a city, a great mercantile centre, a metropolis. It is not even one of the distressed unions in the ordinary sense. There has never been a deputation from Manchester to my right hon. Friend asking for his interference. It is a great centre of capitalists—a centre of great mercantile operations. Its ratepayers are owners of houses, offices, shops, and warehouses, and people who have not been so severely injured by the position of the cotton industry as have the ratepayers in other parts. But now let my hon. Friend go to Hyde, or Stalybridge, or Ashton-under-Lyne, or any of the other places where the distress is really and fully felt. He will there find grouped around the mills a number of comfortable brick cottages. He may go down the streets and find that the people of the towns are nearly all operatives. Their houses bear very much the appearance of the houses of the lower middle class resident in other parts of the kingdom. Each family has been in the habit of bringing home on the Saturday night on an average 30s.; some of them £2, or £3, or even £4. Let him go into their houses and ask them do they wish to emigrate? They will tell him no. They are the people who are not willing to emigrate; but they are quite willing to see others emigrate if they find an opportunity for it. The chairman of the Warrington Board of Guardians wrote to me a letter on this subject, in which he says that in that union, being anxious to use the funds at their disposal to assist all such poor as were desirous to emigrate, they obtained very glowing circulars from the Emigration Office, and spread them through the union. They further advertised that they were willing to as-



sist parties to emigrate, and they had not a single application. There are, no doubt, agricultural labourers who would be willing to emigrate; but the persons who are connected with the cotton manufacture are not willing to go. I confess to a little intolerance as to the manner in which this subject is brought forward, because there is in it a mixture of ignorance and prejudice which does not much conciliate my kind regards. I have seen the question of emigration dragged into discussion by parties who have a monomaniacal hatred of the manufacturing capitalist class. Of these it cannot be denied that the hon. Member for Devonport (Mr. Ferrand) may be taken as a representative. I have seen similar doctrines to his in *The Times* from Dorsetshire, and uttered at Carlisle by a Church dignitary. I have known the hon. Gentleman (Mr. Ferrand) for twenty years always pursuing the same course; the consistent supporter of the Corn Laws, and ever professing to be the friend and representative of the working class. He comes now as the representative of the operatives. Now, I do not attribute motives; but when I see people actuated by hatred of a class—in this case the capitalist class—I am compelled to take it into account in forming a judgment of his conduct. I do not think I do the hon. Gentleman injustice when I say he would like to transport the whole of the masters. Not being able to do that, I think he is willing to deport the operatives in order that he might spite and anger the masters. I hope I am not too uncharitable. As the hon. Gentleman has dealt pretty largely with aspersions and motives, it is natural that he should get an infinitesimal dose of his own medicine in return. Another gentleman out of doors, the Dean of Carlisle (Dean Close), has written a letter, attributing the vilest motives to the manufacturers, saying that they are keeping their factories open as a sham and a delusion, merely to prevent the people from emigrating. Unless the character of the millowners and manufacturers of Carlisle has changed since I used to know them, about twenty years since, I think there is not a more benevolent body of men anywhere, and men who less deserve the character which the rev. gentleman gives to them. But if these gentlemen merely confined themselves to aspersions and attributing motives, without attempting to set up plans of their own which I think would be injurious to the working people, I should not take notice of them. Look at

Mr. Cobden

Dean Close. He has been an ardent promoter of emigration in Carlisle. I will not attribute bad motives to him as he has to me. I believe him to be sincere in his desire to benefit the people. But does he go to work in the right way? Does he act with proper forethought? Does he take due precautions? I would introduce him as an illustration of a class of persons who are willing to send people away to the antipodes without taking those precautions which they ought to take, in order to provide for those poor people when they get there. Now, take a description of the rev. gentleman's conduct, in his own words: There has been an entertainment to emigrants in Carlisle. Dean Close attended. He was speaking in favour of emigration; and narrated what he had himself done. It seems that he has been sending some emigrants to Queensland. I am not going to say a word against Queensland or any other Colony. I have the honour of knowing Sir George Bowen, Governor of Queensland. I think him the right man in the right place. He is an able and enlightened administrator, and I think the colony will benefit materially by his wisdom and capacity. But it is the youngest Colony we have, with the smallest population; and I can easily conceive, however great its growth in the future may be, that it is not a Colony which would be most favourable for emigration without capital. Now, I will read what Dean Close said in his speech to emigrants, another batch of whom were going out. He said that—

"It had been a subject of some little compunction to him in sending out the party to Queensland, because he knew no one there to whose care he could commit them. But mark how Providence had watched over their interests. He had just this moment received a note from a lady friend of his who happened to see his letter in *The Times*, and she stated she was very much interested in Queensland, because she had a son at Brisbane, the capital, where the emigrants were going to; and who should this son be but Captain Pitt, an officer in the army, and aide-de-camp to the Governor? Letters had been sent out to the captain on the subject, and he (the Dean) had not the slightest doubt that they would find some one there to meet them when they reached the shore, and that every attention would be paid to them. From a newspaper he had received, he learnt that there was an abundance of labour there to reward their industry, and he confidently expected to hear of them doing well."

Now I would ask, ought any one to take upon himself the responsibility of sending out emigrants without making any preparation for receiving them? Yet that is what

this rev. gentleman did. He made no provision for receiving the emigrants, and there was no preparation except what turned up accidentally. In his case there seems to have turned up Captain Pitt, on the staff of the Governor. Well, any one doing that may think himself charitable; but I maintain that such proceedings are reprehensible, and, I had almost said, criminal. Now, my advice to the working classes is this:—that they should take even more precautions to know what is to become of them a year after they have landed in a foreign country or in a Colony, than they should to know what is to become of them for a year if they should stay at home, and not by any means to trust themselves in an emigrant ship or with any company unless with due precaution, and until they have ascertained, after careful calculation, what is to become of them, and how they are to be provided for when they have got to their destination. With such a provision, I should have no objection to any one emigrating. The more that emigrate, with the certainty of doing better in the Colonies or elsewhere than here, the better it will ultimately be for themselves and those they have left behind them; but I must protest against the question of emigration, and against a wholesale system of deportation being mixed up with this question. I am sorry it should have been intruded upon us, and that I should have occasion to say a word in regard to it.

SIR BALDWIN LEIGHTON remarked that emigration under proper management would be good for all parties. He, for one, would certainly like to see a large emigration of Lancashire lasses many of whom would soon find themselves in improved circumstances as the wives of Australian settlers. The hon. and gallant Member for Lancashire (Colonel W. Patten) had stated that he had assisted a great number of persons to emigrate, and that fact showed that there were people in Lancashire who were willing to emigrate. He thought the millowners had acted tolerably fair—he did not say in every case—towards the operatives, and there was no very great fault to be found with them; but it had been quite clear throughout that the millowners were anxious to keep all their hands around the mills, and they had declared that when trade revived there would not be a man too many. He had thought it was the duty of official persons to promote emigration to British Colonies rather than to foreign countries,

and he was therefore sorry to hear the right hon. Gentleman the President of the Poor Law Board throw cold water on emigration to British Colonies, and hold out the United States as the best place for emigrants. It would be much better, if the operatives were sent out at all, that they should go to Victoria, instead of the United States.

THE CHANCELLOR OF THE EXCHEQUER: In view of the House giving its judgment upon the Motion of my hon. Friend, I venture to offer a very few remarks on the subject. First of all, I will refer to what has just fallen from my hon. Friend opposite, who has given his opinion that it is very much better to emigrate to the Colonies than to the United States. My right hon. Friend has given his opinion that the United States, speaking generally and without reference to the circumstances of the particular moment, offer very great advantages to emigrants from this country. Those are opinions which may very fairly be given on the one side and the other without reproach; but it is one thing to give those opinions in debate, and another thing for the House of Commons to come in, and by legislation take the responsibility of directing the choice of those who are about to separate themselves from their country and to select another country. In my opinion, no heavier responsibility than that could be undertaken by the Legislature. When my right hon. Friend gave that very strong opinion of the eligibility of the United States as a destination for emigrants, he was at any rate borne out by a very long experience, because during the last thirty years several millions of people have emigrated from this country, in the exercise of their own private judgment and free choice as to the country they were to select in lieu of that they were leaving, and the vast majority of those emigrants had selected the United States. I do not give that opinion in the sense of desiring that we should endeavour, by means devised here, to direct the stream of emigration to the United States. My right hon. Friend used it, and I think justly so, as an argument against the proposal that we should interfere to direct the stream of emigration by artificial means to another quarter, and that is the real question before us.

The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) has put a question, to which I shall endeavour very briefly to afford an answer. He has already heard from my right hon. Friend

that the monies that will be made available from a public source under the Bill now before the House will be available for all purposes that are legal under the provisions of the present law, and therefore the whole question is, what are the provisions of the present law, and what powers are enjoyed by the local authorities in regard to monies raised for Poor Law purposes being applied to the purposes of emigration? By the original Poor Law Act it appears that the owners or ratepayers of any parish or vestry may direct that any sum not exceeding half the average of the yearly rate for preceding years may be borrowed for defraying the expenses of emigration of the second poor; and by the 11 & 12 Vict., c. 110, the guardians may, with the consent of the Poor Law Board, assist in the emigration of the irremovable poor of the parish, and they may charge the cost upon the common fund. Now, I apprehend that between the second poor and irremovable poor I am correct in stating that a very large proportion of the poor may, if it is thought fit locally, thus be made the objects of aid from that source for the purpose of emigrating. These are provisions which were adopted at periods eminently favourable to arriving at just decisions, and when the whole principles applicable to the treatment of our poor were under consideration, and consequently when a very calm and impartial review of the various considerations bearing upon that treatment could be entertained; and I must say I have much greater confidence in provisions adopted in that manner than in any provisions that might be suggested under the pressure of a particular emergency, and which might not have undergone equally careful consideration. Therefore, it would be a great mistake to suppose that the Legislature of this country has treated emigration with indifference. The circumstances of the country twenty or thirty years ago, when, unhappily, the labour market was more overstocked than is happily now the case, did press very much upon the minds of benevolent persons and upon Parliament the consideration of the question whether there ought to be a wholesale public assistance given to emigration; and I may say, especially when it is considered how severe and pressing was the case of Ireland, and how plausible were the arguments for emigration after the potato famine, that these provisions do convey the deliberate decision of the Legislature,

*The Chancellor of the Exchequer*

that it was not desirable to give this wholesale assistance, and they defined the point up to which they thought that assistance might be given. Well, now, my hon. Friend the Member for Pontefract invites us at this crisis to lay down a new principle. I ask, is this a time to lay down a new principle? Is the labour market of this country, generally speaking, overstocked? Is there a very great pressure of population on the means of subsistence? Is the standard of wages going upwards or downwards? Why, Sir, we live in a period when, on the contrary, with heartfelt satisfaction we see that as a general rule in most parts of the country the command of the labouring man over the necessities and comforts of life is progressively increasing, because the labour market is not overstocked, and the demand is continually gaining on the supply. There comes a momentary difficulty, but is that a reason for departing from the principles which had been already laid down? I think there has been no case made out for departing from those principles and taking a stride in advance as to legislative interference in respect of emigration. There is immense force in what has been stated by my hon. Friend (Mr. Cobden), that the class of operatives who are to emigrate under this provision is not the class likely to find employment in the Colonies. It appears that in April last the Duke of Newcastle addressed a circular to the Colonies upon the question how far it was likely those countries would afford employment to emigrants of this class. The only answer that has been received has come from the Colonies of British North America, and that was to the effect that they could hold out no hope except for agricultural labourers or females suited for domestic service. My right hon. Friend is also entitled to say that this is a Bill the operation of which is confined to six months, and that period would elapse before those arrangements which would be necessary in order to give effect to the principle of my hon. Friend could be made with the Legislatures of distant Colonies. But I say, that if we are to have any further intervention of Parliamentary authority in this matter, it is most important to consider what test, what rule we are to establish, with a view to direct the choice of a place of destination for the emigrants. A Colonial Government may be able and disposed to offer assistance for emigration, but that may not be a Colony to which a person should emigrate. It may cost £20 to go

to Australia, and the Australian Government may be ready to give £5 or £10; but after that contribution has been received, it may cost the guardians more to send the person to Australia than to send him to British North America and pay the whole expense. I hold, therefore, that the criterion adopted by my hon. Friend is not a legitimate criterion, and tends to mix up together, in an inconvenient manner, the interests of particular Colonies, and the interest of the persons whom he wants to send from our shores. Nothing could be more remote from the intention of my right hon. Friend or of the Government than to cast an imputation upon the Colonies with which my hon. Friend is connected, and which has shown a spirit of sympathy for the prevailing distress, not in the slightest degree deadened by absence or distance, and manifested by contributions as munificent as any that proceeded from other parts of Europe. But he would not say that we should pay them back by inserting in this law a bad provision. If we were prepared to go beyond the basis defined by the present law, and that circumstances warranted it and required it, it would be our duty to make it clear in our legislation that the interests of the persons emigrating were combined with the interests of the rate-payers, and were to be the determining condition in the selection of the Colony. At this period there is no case for reconsidering those principles, and therefore I must express a hope that the House will put a negative on the Motion of my hon. Friend.

MR. DODSON said, that the right hon. Gentleman who had just sat down had contended that the passing of the Resolution would, in fact, be an interference with the natural course of emigration; but if that assertion were well founded, it might easily be corrected in Committee.

MR. CHILDERS said, he should yield to the evident desire of the House and withdraw the Motion. He should, however, in Committee embody it as a separate clause.

MR. HORNBY complained that the hon. Member for Devonport (Mr. Ferrand) lost no opportunity of coming down to that House and insulting the employers of manufacturing labour. There was no foundation whatever for those charges, which were most offensive to the feelings of the manufacturers.

MR. FERRAND declared, that he only made such statements as he was justified

in making on the authority of the factory operatives themselves. He had in his possession letters that would support everything he had said, and he was ready to stand by what he said either in the House or out of it.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

Clause 1 (Extension of the Union Relief Aid Acts to Michaelmas and Christmas next.)

MR. POTTER moved, at the end of the clause, to add the following proviso:—

“Provided always that the sections 3 and 5 of the said Act shall be construed and read as if the words “one shilling and sixpence,” had been there inserted in lieu of the words “three shillings.”

MR. C. P. VILLIERS said, he must oppose the Motion.

Motion, by leave, *withdrawn*.

MR. C. P. VILLIERS said, he would move a proviso, to substitute “six shillings” for “five shillings,” in section 4 of the Act of last Session.

MR. TOLLEMACHE said, that there was no security that the rates would be economically expended unless the standard were raised to 6*s.* 6*d.* instead of 6*s.* His object was to narrow the application of the Act, so as to make it the last resource and the last resource only.

MR. C. P. VILLIERS said, he must admit that the rate in aid was a temptation to people to keep up the rates. He would therefore yield the point, and accept the amendment.

Clause, as amended, *agreed to*.

Clauses 2 and 3 were also *agreed to*.

New Clause empowering the Guardians to borrow £200,000.

SIR HENRY WILLOUGHBY said, he wished to ask at what rate of interest the £200,000 would be borrowed.

MR. C. P. VILLIERS said, it would be probably at the rate of interest charged for money advanced for public works. As the law stood, the rate was in the discretion of the Public Works Commissioners. The Commissioners could not make an advance to any union without communicating with the Poor Law Board.

Clause *agreed to*.

MR. CHILDERS said, he would then propose to add a clause embodying the provisions with respect to emigration in

accordance with the intimation he had previously given.

MR. C. P. VILLIERS said, he would suggest that the hon. Member should postpone his Motion to the Report.

MR. CHILDERS said, he would accede to the request of the right hon. Gentleman.

*Preamble agreed to.*

*House resumed.*

Bill reported; as amended, to be considered *To-morrow*, and to be printed. [Bill 236.]

#### CIVIL SERVANTS IN THE NORTH WESTERN PROVINCES OF INDIA.

##### QUESTION.

MR. VANSITTART said, he would beg to ask the Secretary of State for India, whether there is not considerable stagnation in the promotion of Civil Servants in the North Western Provinces; and whether such stagnation may not probably arise from a disregard of the Rules laid down in the Resolution of the Governor General in Council of the 21st October 1856, and of the understanding then entertained that the civilians of the North Western Provinces would be eligible for the superior appointments in the Punjab and Oude?

SIR CHARLES WOOD replied that he had not been able to discover that the Civil Servants in the North Western Provinces had any reason to complain, although he must admit that promotion had been less rapid than they might have expected. The matter was one, however, in which the Home Government of India did not interfere. The promotions took place solely under the direction of the Indian authorities.

#### NAVAL OFFICERS ON FOREIGN STATIONS.—QUESTION.

LORD NAAS said, he wished to ask the Secretary to the Admiralty, Whether orders will be issued to Naval Officers on Foreign Stations forbidding them to attack the Ports or Ships of Friendly Powers without a declaration of war or distinct instructions from the Home Government? He put this question with special reference to the case of bombardment which had been brought under the notice of the House the other night.

LORD CLARENCE PAGET, in reply said, general orders were issued to Naval Officers on Foreign Stations to the effect that they were not justified in having recourse to any measures of violence without the sanction of the Senior Naval Officer commanding the station. He had, however, to state,

*Mr. Childers*

with regard to the particular case referred to, the affair of Tringanu, that the Commander-in-Chief of the East India station, which included the Straits, had received instructions on no account to enter into hostilities, without the sanction of the Viceroy of India or the Governor of Bombay, except in the case where British life was involved. The most stringent instructions might be said to have been given to all Naval Officers on the Eastern station not to commit any act of hostility without the proper declaration of war, or such sanction as he had just stated.

#### SANITARY CONDITION OF THE INDIAN ARMY.—QUESTION.

MR. CONINGHAM said, he rose to ask the Secretary of State for India Whether it is the intention of Her Majesty's Government to act upon the recommendations of the Commissioners appointed to inquire into the sanitary condition of the Army in India, and at once to introduce remedial measures for the prevention of disease in hot or unhealthy climates, so as promptly to check the mortality by which, "besides deaths from natural causes, sixty head per thousand of our troops annually perish in India"?

SIR CHARLES WOOD said, that the attention of the Government of India had for some time past been directed to the subject, and several improvements had been effected in the sanitary condition of the Army. The Report of the Commission, however, had brought to light a rate of mortality which, before its publication, no one believed to exist. The attention of the Indian Government should be directed to the Report, and he had no doubt that measures would be taken to carry the recommendations of the Commission as far as possible into effect.

#### THE CHANNEL FLEET. QUESTION.

SIR HERVEY BRUCE said, he wished to ask the Secretary to the Admiralty, Whether their Lordships will permit the Channel Fleet to anchor for a few days in Lough Foyle during their cruise this summer?

LORD CLARENCE PAGET, in reply, said, that the Channel squadron, composed of a line-of-battle ship, five armoured frigates, two large wooden frigates, and a corvette, under the command of Admiral Dacres, was now making progress round the north of Scotland, and would,

weather permitting, touch at several ports. The Admiral had discretionary orders to visit the principal ports of the United Kingdom, and probably the port to which the hon. Baronet had alluded, and in which he seemed to take much interest, might receive a visit from the squadron.

#### MEDALS FOR THE BENGAL ARTILLERY. QUESTION.

MR. HUMBERSTON said, he wished to ask the Secretary of State for India, Whether the Medals for the 1st Battalion of the Bengal Artillery, for their services with the Moorkee and Rohilound Force, under General Jones, were sent out to India in October 1862; whether it is known at the India Office at the time the Medals were sent out that Charles Fennah, of the 1st Company of the above Battalion of Artillery, had died on his passage to England on the 30th of September 1859; and whether the Medal to which he was entitled was with the others sent out to India in 1862; and when the Medal to which Charles Fennah was entitled will be sent to his surviving relatives?

SIR CHARLES WOOD said, in reply, that it was quite true that the medals for the 1st battalion of the Bengal Artillery were sent out in 1862, and among them the medal intended for Charles Fennah, of the 1st company, was also sent out by inadvertence; but orders had been forwarded to the Governor General to send back the medals of such members of the battalion as had died or had left India, so that they might be presented to the surviving relatives of persons for whom they were originally intended.

#### CHANCERY AND COMMON LAW COMMISSION (IRELAND) REPORT. QUESTION.

MR. LONGFIELD said, he wished to ask Mr. Attorney General, When the Returns relative to the Land Registry Court in England will be laid on the table; and when the Report of the Irish Chancery and Common Law Commissioners will be presented?

THE ATTORNEY GENERAL said, in reply, that the Report of the Commissioners had practically been agreed to; but it was necessary that one copy should receive the signature of each Commissioner. Some of the Commissioners were on Circuit in England and Ireland, and he could not hold out the expectation

that the Report would be laid on the table before the end of next week. Some delay had occurred in sending the order for the Returns relative to the land Registry Court, but he expected that the Returns would be obtained to-morrow.

#### THE COUNCIL FOR INDIA. COMMISSION MOVED FOR.

MR. ARTHUR MILLS said, he rose to call attention to the constitution of the Council of the Secretary of State for India, created by the Bill transferring the Government of India from the East India Company to the Crown, and to move an Address for a Commission to inquire whether any alteration could be advantageously made in it. Considerable debate took place in 1858 on the measure to which he referred, and four-fifths of the discussion had reference to the constitution of the Council for India. Eventually it was decided that the number of the Council should be fixed at fifteen, and that the members should hold office during good behaviour, which practically meant for life, for when £1,200 a year depended on good behaviour no one ever misbehaved himself. The Bill, which received the Royal assent, gave to the Secretary of State entire control over all the functions formerly exercised by what was called the secret committee of the India House, and the Secretary of State was also empowered in cases of emergency to deal with all communications between the Home Government and the Government of India. The only practical and substantial power conferred by the Act on the Council was to deal with questions of finance and to record their dissent if they thought right from any measure which the Secretary of State, who had the power to overrule their decision, might think fit to adopt. It appeared from the opinions expressed by many leading men in that House that the object for creating the Council was twofold—to give to the Secretary of State the aid of a body of men possessing local experience with respect to Indian affairs; and to create a bulwark, as it were, between him and the Indian Government, and any sudden Parliamentary influence which might be brought to bear upon him. With regard to the first object, he apprehended that that might have been attained by providing the Secretary of State with five or six assistant secretaries; but with regard to the second object that was expected to be attained;

it was evident from the opinions expressed at the time by Sir James Graham, Earl Russell, the Chancellor of the Exchequer, and other persons of authority, it could only be realized by the creation of an independent Council. It was thought, that that if the Council were well chosen, they would have all matters of moment, in reference to that country, brought before them by the Secretary of State. He wished, then, to ask those hon. Members, who took an interest in Indian affairs, whether the latter object had been accomplished, and whether the Council had fulfilled the conditions which were aimed at when the Act was passed? As a matter of fact, a state of things had arisen, according to which the Secretary of State for India could withdraw altogether from the consideration of the Council all questions which he might consider urgent. A despatch might arrive which the Secretary of State might declare required an immediate answer; and though that answer would involve the question of peace and war, the Secretary of State could, on the plea of urgency, withdraw the matter from the consideration of the Council and deal with it himself. It was only right that the consequences of such a proceeding should be duly considered by the House, and he wished to call attention to the fact that a similar power was exercised by the Secret Committee, and it was well known that by that Committee a despatch was sent out which led to the Afghan war, and cost £10,000,000 to the Indian revenue. The Act of 1858 left the House of Commons in ignorance as to where the responsibility for the Home Government of India really rested. It might be said that India had of late enjoyed an unusual amount of prosperity, and therefore that the system on which the Government of that country was conducted had worked well. But he believed that, so far as the relations between the Council and the Secretary of State were concerned, it had not worked well, and as an illustration of its defective and uncertain working he would mention what had taken place in the year 1860 in reference to the amalgamation of the Indian army with the army of Her Majesty. He would not then enter into any discussion as to the wisdom of that measure; he would take it for granted that it was one which ought to have been adopted. But when it was proposed in 1860, the Secretary of State declared that he was entitled at any moment,

*Mr. Arthur Mills*

at his own discretion, to separate himself from his Council, and to regard any question as Imperial instead of departmental, and as coming under his notice not as Secretary of State for India, but as a Member of the Cabinet. Under these circumstances he might, he said, deal with a question without consulting his Council. Now, it was notorious that the Council were unanimously against the amalgamation of the two armies, but the Secretary of State acted quite independently of them, and he did not know whether the right hon. Gentleman, according to his own theory of his position, could not equally ignore the Council on any other subject. With a view to fasten responsibility on one or other, it was obviously of the utmost importance to have certainty in the relations of the Council and the Secretary of State, so that the latter should not be at liberty at one moment to cast all the responsibility of the administration on that body, and at another to disregard it entirely.

He had no doubt he would be met by the stock answer that he had chosen either the wrong manner or time to bring forward the question. He could only say that he did not ask for a Select Committee of his own nominees, or wish to have the case at all prejudged. He left it to the Government to nominate any Commissioners they chose to conduct the inquiry. He was supported in his Motion by high authority. As to the time, he might remind the House, that in 1858, during the discussion on the Bill which regulated the existing system of conducting the Government of India, the noble Lord at the head of the Government himself proposed a clause in Committee on that Bill to the effect that at the end of five years Parliament should not merely have the option of reconsidering the constitution of the Council, but should be bound to do so. Mr. Wilson, Lord Russell, the hon. Members for Birmingham, Coventry, and Sheffield, the noble Lord the Member for King's Lynn, Sir Erskine Perry, now a Member of that Council, and others, also contemplated a revision at the end of five years. The five years which the noble Viscount had in contemplation had just expired, and he thought that the revision might well take place without any reflection on Parliament or the Council, especially as the Bill had been passed in 1858 under circumstances of great political pressure.

He had no fault to find with the Secre-

tary of State or his Council. He would not inquire whether there was any truth in the rumours that they did not agree very well. It was the system and not the *personelle* of the administration to which he objected. In fair weather it might perhaps work very well, but in a political tempest he believed it would be found altogether unmanageable. Whatever might have been the vices of the old system, the present included a much more ingenious and effectual contrivance for promoting delay and avoiding official responsibility. The Secretary of State could at any moment assume the position of an autocrat or a cypher, and the House and the public never knew until afterwards in which capacity he was acting. Moreover, it was a loss to Parliament that the members of the Council—men of tried experience and proved ability—should be expressly prohibited from seats in that House, and from contributing to the slender stock of information which the House of Commons possessed on the important questions which came before them relating to their Indian Empire. The system was one in which it was impossible to say, in case of emergency or difficulty, where responsibility was to be fixed. Whether a remedy was to be found by relieving the members of the Council from their duties altogether, or by giving them greater power, he did not pretend to decide. All he did was to ask the House and the Government to do that which the noble Lord at the head of the Ministry had declared that Parliament ought to do at that very time—namely, to take steps for having the constitution of the Council reconsidered and revised. The existing arrangement had been tried and found wanting, and he believed, that if continued, it would be productive of great calamities to India. He would therefore conclude by moving an Address to the Crown for the appointment of a Royal Commission to inquire and report whether any and what alterations may be advantageously adopted in the Home Government of India, as constituted by the Act 21 & 22 Vict., c. 106.

MR. BAZLEY said, he rose to second the Motion, which, he thought, if adopted, would be beneficial alike to India and to this country. He was not there to deny that benefit had accrued to India from the administration of the noble Lord the Member for King's Lynn, and likewise from the administration of the right hon. Gentleman the present Secretary of State; but, in the present condition of Lancashire, he thought

that some important change was necessary, by which the great and vast resources of India might be made to benefit both the people of India and the manufacturing districts of England. He did not expect the Indian Government to become growers of cotton for Lancashire, but he should be glad to see such changes introduced as would permit the Natives more freely to cultivate cotton and allow European capitalists to invest their money in the soil of India. If the improvements suggested and commenced by the noble Lord the Member for King's Lynn, when he was Minister for India, had been continued up to the present time, he was convinced that at least a portion of the calamity which had now befallen the manufacturing districts of this country would have been averted. He was, moreover, aware, that since the amalgamation which had taken place of the services of India, there were certain discrepancies to be reconciled which prevented that cordial action between the two services which was so exceedingly desirable. He hoped, therefore, that the right hon. Baronet the Secretary for India would take a favourable view of the proposal of his hon. Friend, and that if nothing could be done in the matter for the present year, the right hon. Gentleman would be prepared to submit to Parliament in the next Session some measure for the revision of their system of Indian Government.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to issue a Commission to inquire and report whether any and what alterations may be advantageously adopted in the Home Government of India, as constituted by the Act 21 & 22 Vict., c. 106."—*(Mr. Arthur Mills.)*

SIR CHARLES WOOD said, he had no intention on that occasion, nor did he think it would be consonant with the wishes of the House to discuss those general questions connected with improvements in India to which the hon. Gentleman the Member for Manchester had alluded. He had already stated, and might have to state again before the close of the Session, what had been done in that respect, and he was not aware that the Government of India had in any degree failed to perform their duty in developing the resources of the vast country under their rule. With regard to the main question before the House—namely, the constitution of the Home Government, he could only say that it had worked very well and harmoniously,



and that whatever had been done had been done with his entire approval, and with the approval also of a large majority of his Council. The only question on which any considerable difference of opinion had arisen was that of the sale of waste lands. Some members of the Council were not disposed to go as far as himself, but the House had been put in possession of their opinions as well as of his own; and as regarded the general administration of Indian affairs, he could freely state that the same course would have been pursued if he had been standing alone. The hon. Member for Taunton had said he might be asked why he had brought forward his Motion, and he (Sir Charles Wood) must confess that he thought the question was a very pertinent one. On ordinary occasions, when a Motion was made for inquiry, it was because the mover implied some censure on the administration which he wished to be investigated. But the hon. Member had distinctly stated that he had no fault to find with the manner in which the Council had discharged its duties, or with any measure which had been passed by the Secretary of State in Council. The only ground he had shown for his Motion was that certain opinions were expressed by different Members of that House in 1858, that the principle on which the Council was constituted ought to undergo revision at an early period. Now, without following the hon. Member further, he confessed that at the time he did not altogether concur in the proposal of the noble Lord the Member for King's Lynn; but he was bound to say that in the course of the four years, during which he had presided over the Council, he had every reason to be satisfied with the arrangement made by his noble Friend of the members of the Council. No better selection could have been made; and if he were obliged to reduce the Council tomorrow, he did not know whom he could strike off the list of members without disadvantage to the public service. He was glad to have that opportunity of publicly expressing the obligations under which he felt to those gentlemen, many of whom had been put into a somewhat difficult position, having been members of the old and independent court of directors, and having been suddenly transferred to a body in which they no longer enjoyed the same position. He willingly availed himself of that opportunity of expressing

*Sir Charles Wood*

publicly the obligations under which he felt to all the members of his Council for the cordial and harmonious manner in which they worked with him. Whatever doubts he had previously entertained as to the mode in which the Council might work had been entirely removed by the experience of the last four years; and, indeed, he was entirely satisfied on that subject.

The hon. Member for Taunton had complained that he could not ascertain with whom responsibility rested. He had no hesitation in telling the hon. Gentleman that the responsibility rested with himself as Secretary of State for India. On that point nothing could be more explicit than the following remarks made by the noble Lord the Member for King's Lynn in May 1858:—

"The Minister is to be surrounded by those who can bring long experience to bear on the questions submitted to their consideration, who can give the Minister the best advice, and supply him with the best materials on which to form his judgment; but, having the benefit of that advice and experience, he is bound to act on his own single and personal responsibility."  
[3 *Hansard*, cxlix. 2184-5]

He had followed the example of his noble Friend in acting upon that principle, and there could not be the smallest doubt that the responsibility rested upon the Secretary of State, whether he took the advice of his Council or not. The hon. Member for Taunton had asserted that the Council was also intended as a protection to the Secretary of State against Parliamentary influence.

MR. ARTHUR MILLS explained, that what he had said was that the Council was intended as a protection against casual Parliamentary majorities.

SIR CHARLES WOOD said, he would then ask whether the hon. Member meant to say that the Secretary of State was to be precluded from bringing before Parliament any measure which he believed to be for the good not of India only, but of the whole Empire, simply because he might differ from his Council upon it. Was that the length to which the hon. Gentleman's remarks extended? He did not believe there was a man in the House except the hon. Gentleman, who would suppose that the discretion of any Member of Parliament could be so bound. The proposal for the amalgamation of the Indian army was not a mere Indian question, but an Imperial question. It had been approved by large majorities of that House; it had

succeeded to a great extent in its object. [Colonel SYKES : No.] Of course, he (Sir Charles Wood) did not expect his hon. and gallant Friend, a member of the old Indian army, to acknowledge its success ; but in the opinion of almost every one it had improved the efficiency of the army and the economy of the system. It was therefore rather late to say that the Secretary of State ought to have been precluded from bringing it forward, because his Council differed from him in opinion. The hon. Gentleman went on to say that the House did not know what was going on, and was ignorant of the opinions of members of the Council. Did the hon. Gentleman wish that the discussions of the Council should be conducted in the presence of a shorthand-writer and reported to the world ? There were, happily, few occasions, indeed, in which there had been a difference between the Secretary of State and the majority of the Council. Those occasions were only four in number in four years, and they occurred on the most trivial and unimportant matters. The Council had power to record their dissent from any decision taken by the Secretary of State, and that House could call, as it had called, for the production of the records of such dissent. Indeed, he did not know of any case in which any dissent had been recorded without that dissent having been called for and laid before Parliament. The hon. Member seemed to suppose that the Secretary of State and his Council were always quarrelling. Happily, that was not the fact, for he and the Council had acted in the most cordial manner. He felt very grateful to the Council. It would be impossible for him to go on without their assistance. There might be excellent Councils in Bengal, Madras, or Bombay, but it was in the Council of the Secretary of State for India alone that the knowledge and experience of different parts of India were concentrated. The Secretary of State, therefore, had, in respect to any general measure, better means of forming opinions and coming to a right conclusion than the Government of any single part of India possibly could have. He thought the measure of the noble Lord opposite was a very wise measure taken altogether. The noble Lord had made an admirable selection of members for that Council, and all vacancies in it had been filled up on the sole principle of choosing the very best men who could be found. For these reasons he objected to the hon. Gentleman's Motion for

inquiry, for which no good ground had been adduced, and which, if adopted, must seriously interrupt the course of business in the Department.

COLONEL SYKES said, that there was not a Member of the House who did not expect when the Council for India was proposed that the experienced men who were to assist with their advice would necessarily have weight with the Secretary of State, and that the result of their experience would be acted upon. The right hon. Gentleman had, however, given them an important instance in which that expectation had been falsified ; for he had admitted that on a momentous question, the amalgamation of the Royal and Indian armies, affecting the interests of between 5,000 and 6,000 British officers, he had acted upon his own judgment, in direct opposition to the unanimous opinion of his fifteen experienced Councillors who were to be his guides and mentors. There was but one feeling of ranking discontent among those 5,000 or 6,000 officers whose professional prospects had been ruined by the amalgamation of the Indian army with the Imperial forces. ["No!"] He said, "Yes—a hundred times, yes." They had no security that the Secretary of State might not exercise a similar power on some great political question, which might lead, perhaps, not only to another mutiny, but to a great convulsion throughout India. The right hon. Gentleman had no knowledge or personal experience of India, and might act on the advice of individuals who were the last persons who should give him advice, and who might have personal interests, sympathies, or Parliamentary predilections, or religious fanaticism, all of which might influence him, and induce him to set aside the voice of his fifteen Councillors. The Council was in a most anomalous position. They had no power to call for the papers which might have come from India, and it depended upon the right hon. Gentleman whether they should obtain any information or not. His complaint was that his right hon. Friend, though nominally responsible to that House, was as complete a despot as Alexander, Darius, or any other autocrat who ever existed, for being a Member of a Government which ruled by commanding a majority of that House, its shield was necessarily thrown over him. No single individual ought to have such a power. The Council was no adequate check upon him. The case was very different with

the old Court of Directors of the East India Company. The directors were elected for four years ; they then went out of office for one year that their conduct might be reviewed by the electors, who might return them again or not as they chose. They were almost invariably re-elected. Each member had the power of giving notice of his intention to bring forward a Motion on any subject whatever, precisely as was the case with every Member of the House of Commons. The India Council could do nothing of the kind. A discussion took place in the Court of Directors, the result was determined by ballot, and scores of times the Chairman, the Deputy Chairman, and those acting with them had been put into a minority. Reference was then made to the controlling power which could exercise a veto ; but generally an understanding was come to highly beneficial to India. There was a Secret Committee, but it was confined entirely to political objects. They could not divulge the orders sent out, but they could record their individual objections ; they frequently made those objections, and the orders sent out by the Board of Control were sometimes in consequence modified. That was another safeguard which no longer existed. He spoke from nineteen years' experience as a Director, and having filled the office of Deputy Chairman and Chairman. What he wished was that there should be some increased power in the Council, such as he had described, that they should have power to call for any papers, to propose any Motion, and to decide on it by ballot or in open court ; and if the Secretary of State took on himself the responsibility of opposing their resolutions, the House should have the opportunity of judging between the Secretary of State and his Council. He entirely concurred with his right hon. Friend (Sir Charles Wood) that a man of judgment, proper feeling, and courtesy would generally be guided by the friendly opinion of the experienced men about him ; but still a crotchety, wilful, despotic, corrupt person might be Secretary of State for India, and in that case the whole empire of India, with its 180,000,000 of people and its £40,000,000 of revenue, would be at his feet. He therefore thought some modifications between the Secretary of State and his counsel should be made, as a matter of safety, if nothing more.

SIR EDWARD COLEBROOKE said, he wished to see the Council of India

*Colonel Sykes*

strengthened, and he was of opinion that they ought to have seats in Parliament. That would materially improve their position in the country, without weakening the just authority of the Secretary for India. He thought they ought also to be allowed to take the initiative in pressing matters on the attention of the Government. But he entertained great doubt whether the inquiry, if granted, would tend in that direction, and for that reason he hoped the Motion would not be pressed to a division. There could be no doubt that the Council was a weak body, and that the Secretary for India was all powerful. But, independently of that, he was a Member of the Government, and that gave additional weight to his opinions. He thought too short a time had elapsed to enable the country to form a correct opinion as to the working of the Council. It was a matter of regret that the question of the amalgamation of the army had arisen so soon after the formation of the Council and the new system of Government. In that case the right hon. Gentleman had taken a rather strong measure. But his complaint in that case was not that the right hon. Gentleman had acted against the opinion of his Council, but that he had never consulted them at all ; for, although it was an Imperial question, it was also an Indian question. He was bound to admit that in many respects the working of the Parliamentary Government of India had not been attended with some of the objections which he had anticipated. He also wished to bear his testimony to the noble manner in which the right hon. Gentleman, in spite of obloquy, had stood out for the rights of the people of India, and for that he deserved great credit. No sufficient case had been made out for any great change in the constitution of the Government of India.

LORD STANLEY said, as it did not appear to be the desire of the House to prolong the discussion, he would say only a very few words on the subject. If, however, the hon. Gentleman who had introduced the question was disposed to press it to a division, he should not be able to divide with him. He thought there was great objection to an inquiry of the nature proposed. A Royal Commission was an excellent instrument for investigating questions involving a large and complicated mass of details, into which it could not be expected that Members of that House generally would take the trouble to inquire. In such a case no course could

be better than to appoint a Commission to collect evidence, to ascertain the facts, to sum them up briefly and clearly, and so to give the House the means of deciding, with full knowledge, as to what should be done. But the questions involved in the case before the House were questions not of detail, but of general policy, as, for instance, whether the Council ought to have any check or control over the finances of India, how its members were to be appointed, whether by nomination, by election, or by a mixture of both, what should be their tenure of office, what their number, and whether they ought to have seats in Parliament. All these were questions of general policy, to be argued upon grounds which were perfectly familiar to Members of the House, and they were questions upon which the House had already expressed a deliberate opinion. But his hon. Friend wanted to refer all these questions to be decided by a body of seven, eight, nine, or ten persons, whose names even he did not know, the appointment of whom was to be left to the Government, and who, if not wholly ignorant of the subject-matter of their inquiry, would probably go into it with more or less of bias. But that was not the way in which the position of the Council ought to be inquired into. His hon. Friend left undecided whether there ought, in his judgment, to be a Council or no Council, whether the existing Council was too weak or too strong; he did not tell the House what he complained of in that respect, or what he wanted to have done. All the questions which he raised would be fit subjects of debate in that House, if any hon. Member chose to bring them forward, and there was nothing to prevent any Member of that House, if they thought their former decision wrong, from proposing to reverse it. The only complaints which his hon. Friend had made were of delay and divided responsibility. But it was clear, according to the constitution of the Government of India, that the responsibility of the Secretary of State was complete and undivided, with this one sole exception, that if he proposed a grant of money, and the Council, in the exercise of the power in their hands, refused it, he had only to state this circumstance and the responsibility fell from him upon the shoulders of the Council. He was rather surprised to hear his hon. Friend speak of delay, because he ought to have recollected that under the old system perpetual correspondence was going on between the Indian Government

and the Board of Control, a correspondence which descended into the minutest particulars, led to a ridiculous amount of verbal criticism, and wasted a great deal of time. Whatever of good or harm might have been done by the change which had been made, this one fact was certain—that a greater amount of speed was attained in the despatch of business under the new system than ever could be arrived at before. The decisions come to might be better or worse, that was matter of opinion, but that they were more expeditious was matter of fact, capable of proof. There remained only the question whether it would be of advantage that some of the members of the Council should have seats in that House. That was a point upon which a great deal might be said upon both sides. There was great force in what was said as to the advantage of having in the House men with special experience on Indian subjects. But, the objections on the other side were strong. The Council were the confidential advisers of the Minister, chosen for their knowledge of Indian affairs, and not from party motives; they were necessarily conversant with everything that passed in the India Office, and there would be extreme inconvenience if a Minister were to be exposed to Parliamentary criticism from gentlemen holding such positions, speaking from official knowledge, and possibly using that knowledge for the party purpose of an opposition. He did not think that the two positions of confidential adviser and Parliamentary critic were reconcilable. He was bound to say that the inconvenience to which he referred had to a great extent been avoided by the moderation and good sense of the old Directors who had seats in Parliament; but the difficulty must have been felt more or less; and when the remodelling of the system was proposed, the House determined by a large majority, upon a review of the whole question, that the members of Council should not have seats in the House. He had only, in conclusion, to repeat, that if his hon. Friend had any complaints to make, he ought to bring them at once before the House, and they should be ready to discuss the matter. There was no reason why the arrangement of 1858 should be considered final, but he (Lord Stanley) did not think it necessary to unsettle that arrangement by referring the question to a number of gentlemen of whom the House knew nothing, and pledging themselves as they would be pledged

to abide by the decision to which those gentlemen might come.

MR. KINNAIRD said, he hoped, after the speeches of the noble Lord and the hon. Baronet (Sir T. E. Colebrooke), the hon. Member would not press his Motion. Many of the suggestions made by his hon. Friend seemed, no doubt, as if they would be improvements; but he entirely agreed with the hon. Member for Lanarkshire, after an experience of five years, that the improvements in the Government of India were manifest to all, and that the natives of India themselves felt increased confidence in the justice which they obtained from that House. He (Mr. Kinnaird) wished to join in the well-deserved tribute which had been paid to the right hon. Gentleman for the discretion and wisdom he had shown in his administration of the affairs of India.

SIR HENRY WILLOUGHBY said, there were circumstances in the position of the Council which might render discussion advisable, and he believed that the discussion which had taken place was calculated to do good. Any real check upon Government must be exercised by a well-considered opposition in that House; and an impression appeared to prevail in India that there was no opposition to the Indian Government. He, for one, thought that the present system of Government had worked better than could have been anticipated. He was one of those who supported a Motion for allowing some of the Indian Council to have seats in that House—a Motion which was supported by Earl Russell and a large minority; but he owned, on reflection, that he thought the House came to a right decision in rejecting the Motion. It would not be a seemly thing to have the Secretary of State for India opposed in that House by his confidential advisers. In other matters the House ought to use all the weight of its authority in favour of the Council; and where the Councillors dissented, the record of the dissent should come before the House. He should like to know whether the Secretary of State, when he differed from the Council, recorded the reasons on which his dissent was founded. He quite concurred in the remark that a Commission would not be desirable, and that the House could deal with questions as they were raised, and introduce such Amendments of the system as might be deemed advisable.

SIR CHARLES WOOD was understood to say that the Secretaries of State and

*Lord Stanley*

the Members of the Council were precisely on the same footing, and that either might record their dissent if they liked.

MR. ARTHUR MILLS said, that he would not press his Motion, but he wished to observe, as his proposition had been so much criticised by the right hon. Gentleman the Secretary for India, that in suggesting a revision of the present arrangement, with regard to the unsatisfactory nature of which his opinion remained unaltered, he had only done what had been suggested by the noble Lord at the head of the Government in 1858.

Motion, by leave, *withdrawn*.

#### ARMY PRIZE PROPERTY.

##### COMMISSION MOVED FOR.

COLONEL NORTH said, he rose to move an humble Address to Her Majesty, praying that She will be graciously pleased to issue a Royal Commission to inquire into the realization of army prize property, and its mode of distribution, and into the cause of the extraordinary delays which had, in most cases, occurred in its distribution to the captors, with a view to a remedy for the same. As the case was one which was free from party considerations, he felt some hope that he should carry with him the support of the House. He needed not to say that he did not pretend to interfere with the prerogative of the Crown to give or withhold prize property; but his desire was to have some rules or regulations established, which should come into operation when the Royal prerogative ceased. His attention had been drawn to the subject by the universal dissatisfaction which pervaded the army, both officers and men, who had taken part in those glorious campaigns, which resulted, owing to the gracious consideration of the Sovereign, in their right to receive prize money. What they complained of, was not only the small amount received, but the immense length of time which elapsed between the time of the capture and the period when the money was distributed to the captors. He had endeavoured to make himself master of the details, but considerable mystery appeared to exist on the subject. He naturally applied in the first instance to Chelsea Hospital for information, but the answer he received was, that that establishment was only the depository of unclaimed or forfeited shares after distribution was made. Without wearying the House by a reference

to very distant campaigns, and confining himself only to campaigns with which they were all conversant, and almost all of which had occurred in India, he should be able to show that most unreasonable delays had occurred in the distribution of prize money. He had moved for a Return of army prize money granted, stating the name and date of capture, and the date when the distribution in India was authorized in general orders. The first on the list was the Isle of France, and the date of the capture was 1810, while the first award for prize money took place on the 2nd of February 1819. But not to go so far back, he would refer to the Burmese war in the years 1824, 1825, and 1826; and he found that the order for the first payment of prize money was dated December 19, 1836, or just ten years after the war was closed. In July 1839 the capture of Ghuznee took place; but no prize money was distributed until March 17, 1848, or nine years after the event. Then came the case of Khelat, in November 1839, and six years elapsed before the prize money was paid. With regard to Pegu, the contest terminated in 1853, but the prize money was not paid until March 1863, after a delay of ten years, and he understood that the prize money to each private soldier only amounted to about a couple of rupees. No one, then, could be surprised that the soldiers were disgusted at the treatment they experienced in the matter. From a Return it appeared that the amount of cash, arising from forfeited and unclaimed prize money, was no less than upwards of £1,100,000; and what he particularly objected to, on examining that Return, was to find that a considerable sum, arising from soldiers' prize money, had been expended on the purchase of land near Chelsea Hospital, and in opposing a proposed railway through the ground. No less a sum than £40,000 had been paid to Commissioners, in virtue of an Act of Parliament, for the purpose of purchasing a site for the Royal Military Asylum, and for improving that site. In 1854, it was brought under the notice of the House that 120 boys had been turned out of Chelsea Hospital in order that schoolmasters for the army might occupy their apartments. The House would not hear of such an arrangement, and the boys were sent back to the Hospital again; but it now turned out that a very large sum had been taken from the soldiers' prize money to erect a building for those army schoolmasters. Those sums,

instead of being in the hands of the Chancellor of the Exchequer, ought to be placed in the hands of the Commander of the Forces, the Secretary of State for War, and the Paymaster General, to be laid out for the benefit of the army. Last year, they asked for a Vote of £2,000 only, to provide means of recreation for the soldier in camp and barracks, and after fighting for it like dogs over a bone, they only carried it by a small majority. When money was required for any similar purpose, the officers were obliged to go to their private friends cap in hand, and solicit their contributions. In the capture of places where there was rich booty, officers had to depend on the honour of the soldiers. At Delhi the soldiers could have carried away valuable jewels; but on the call of their officers, who stated that the value of them would be given as prize, they gave up costly necklaces and other articles of great value. That being the case, it was to be regretted that the sum received by the men as their share of the Delhi prize money was so miserable as to cause great dissatisfaction. The House and the country ought to remember a dictum of the Duke of Wellington, to the effect that we should not only treat the soldier with justice, but make him understand that we did so. He felt assured that the matter could not be in better hands than those of the noble Viscount at the head of the Government; and his reason for moving for a Royal Commission was, that it would enable the noble Lord to select those who, from their services, their ability, and their name, would be qualified for the task and ensure the confidence of the army. The hon. and gallant Gentleman concluded by moving—

“That an humble Address be presented to Her Majesty, that She will be graciously pleased to issue a Royal Commission to inquire into the realization of Army Prize Property and its mode of distribution, and to inquire into the cause of the extraordinary delays which have, in most cases, occurred in its distribution to the Captors, with a view to a remedy for the same.”

VISCOUNT PALMERSTON: Sir, I rise to state to the hon. and gallant Officer and the House that Her Majesty's Government have no objection whatever to urge against the Motion which he has made. And, in fact, I am quite of the same opinion with him, that an inquiry into the matter may be attended with advantageous results to both the army and navy. I should suggest to him to leave out one word—the word

"extraordinary." I am afraid that word does not represent the fact, for the delays are "ordinary" and not "extraordinary." Besides, the word implies censure, and we want inquiry, and not to prejudice the matter. There can be no doubt that a length of time always elapses between military and naval operations and the distribution of the prize money that arises from them. That is a very great evil. I have often inquired about it, and I have always been told that there are things to be done which require time. Especially when ships or regiments are abroad you require accurate Returns, and there are difficulties in getting them as well as in procuring other particulars; but I cannot help thinking, with the hon. and gallant Officer, that a thorough investigation into these circumstances will tend to, at all events, a great abridgement of the delays which now take place. Those delays are a great evil to the parties whose rights they ultimately establish; because, when ten years elapse—as in the case mentioned by the hon. and gallant Officer—men get dispersed, men die, and men who by their own valour and achievements have established a claim to booty do not receive it. Some die; and then their families have to establish their rights as inheriting from the soldiers themselves; but it very often happens—I believe more frequently in the navy than in the army—that men who have claims are tempted by an immediate offer to sell their chances by anticipation for a small and inconsiderable sum. In that case the parties who receive the prize money are mere speculators, and not the parties who were originally entitled to it. I shall have great pleasure in concurring in the Motion of the hon. and gallant Officer; and I assure him that in the composition of the Commission we will take care that it shall contain within itself those elements of experience, information, and authority which will render its recommendations satisfactory to the army and navy, as well as to the country.

SIR STAFFORD NORTHCOTE said, he was glad to have to congratulate his hon. and gallant Friend (Colonel North) on the success which had attended his Motion; at the same time, he should have been pleased if its terms had been carried somewhat further. As the noble Viscount had consented to the issue of a Royal Commission, he would suggest whether it might not be possible to assign to the Commission the task of investigating some other

grievances which had not been touched on in the speech of his hon. and gallant Friend. He thought it would be well to refer to the Commission an inquiry as to whether some proper mode or proper practice could not be adopted for ascertaining who the parties were that were entitled to booty which had to be divided among several claimants. In the distribution of prize money there was a great difference existing between the practices which prevailed in the army and navy respectively. In the navy there was a properly constituted Court to which disputes in respect of prize money were carried, which Court, by decisions extending over a period of more than a century, had established a regular code of laws. In the case of the army there was no such regular tribunal; and the consequence was, that whereas the only questions to be considered with regard to the navy were whether the prize was a good one, and how soon the money could be given, a third point had to be determined respecting the army—namely, what portions of the army were entitled to share. That uncertainty and difficulty had given rise to endless discussions and disputes. For example, in the case of the Deccan prize money, which was captured by an army under Sir Thomas Hislop, when the Marquess of Hastings was Commander-in-Chief of India, a question arose whether the Marquess of Hastings was entitled to a considerable share, and there were two large quarto volumes of papers on the subject. The Treasury then endeavoured to settle the question by some legal or semi-legal proceedings; they heard council and took the opinion of their own Law Officers, afterwards disposing of it in the best way they could. Owing to that and to similar difficulties, an Act was passed at the beginning of the present reign for altering some of the functions of the High Court of Admiralty, and in that Act a clause was inserted providing that in any disputed cases of prize Her Majesty should be empowered to refer to the High Court of Admiralty questions affecting the army, just as those relating to naval prizes. If that clause had been acted on, as it should have been, it would have solved all the difficulties which had arisen. But it had never been so acted on, and the result was that among those interested much dissatisfaction, and some suspicion of undue influence, prevailed as to the present mode of determining these disputed questions. For himself, he disclaimed any in-

tention of imputing undue influence, but he was very much struck with the inconvenience and mischief attending the sort of discussion that went on in cases of the kind, and he wished to refer the matter to the Commission, that they might see whether it was not possible to devise a remedy in such cases. The case of the Banda and Kirwee prize money was one in point, and though he would not enter into the merits of the question, inasmuch as he had given notice that he would bring it under the attention of the House, he wished to mention it in connection with the present discussion. It arose out of the claims of Sir George Whitlock's force, which marched from Madras during the Indian mutiny, and of the force under Sir Hugh Rose, which marched from Bombay. Both forces had behaved most gallantly in Central India, and that of Sir George Whitlock, by the capture of two places called Banda and Kirwee, obtained a considerable booty. The force under Sir Hugh Rose was also engaged in several severe actions, but at the time of the capture of those two places was 250 miles distant. Sir George Whitlock's force, as the actual captors, claimed the whole of the prize money, and sent in a claim to that effect to the Treasury, fortified by counsels' opinions. They were ultimately informed that the matter had been referred to Lord Clyde, who had drawn up a memorandum on the subject. For some time they were unable to obtain a sight of the memorandum, but at last they were told that the Government had decided against their claim; and as that decision was founded upon Lord Clyde's memorandum, it would be desirable that they should see the grounds on which the decision rested. Now, without entering into the merits of the case—[Viscount PALMERSTON: You have entered into them]—he contended that the claimants in that case should have their claim decided according to certain rules of evidence and certain principles of law, instead of being left to the discretion of the Treasury. They had reason to know that the opinions of the legal advisers of the Crown were favourable to them; and all he asked was that the Government, having taken those opinions, should either act upon them or should do what was done in the case of the Deccan prize money—hear counsel, or refer the matter, as they had the power to do, to the Judicial Committee of the Privy Council, or to the High Court of Admiralty. In distributing prize money care should be taken to satisfy the

soldier's sense of justice. Some years ago the noble Lord, in speaking of the China prize money, said that if a soldier thought he had a fair claim to prize money, he naturally felt aggrieved unless some satisfactory steps were taken to test the question. And that was his contention—that a fair hearing should be afforded where those claims existed, and that the soldier should not be left to feel that he had a grievance. It was his intention, when the proper time came, to move a Resolution on the subject, and he promised the House that he would then detain them with very few remarks.

SIR CHARLES WOOD said, he did not mean to dissent from the proposal of the hon. Gentleman that the case to which he referred should be considered by the Commission. He thought, however, he had reason to complain that the hon. Gentleman had not fulfilled the promise he made on rising, that he would not go into the merits of the question, and that he had impugned the conduct of his noble Friend after he had spoken, and when he had therefore no opportunity of replying. The hon. Gentleman had a Motion on the paper with regard to the Banda and Kirwee prize money, and he should have reserved his remarks on that subject till the House came to it. He did not think that the conduct of the hon. Gentleman was either consonant with the practice of the House or fair towards his noble Friend.

Motion amended, and agreed to.

#### *Resolved,*

That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to issue a Commission to inquire into the realization of Army Prize Property and its mode of distribution, and into the cause of the delays which have, in most cases, occurred in its distribution to the Captors, with a view to a remedy for the same.—(Colonel North.)

#### FIRE INSURANCES.—RESOLUTION.

MR. H. B. SHERIDAN, in calling the attention of the House to the question of the fire insurance duty, said, he regretted that circumstances over which he had no control had prevented him from bringing it on, as he had intended, at an earlier period of the Session. Several Petitions had been presented to the House from chambers of commerce in reference to the subject, and he had received a great many letters, asking him how it was the question had been so long delayed. He would answer that question in this way:—Private Members



had only one night in the week out of the six—namely, Tuesday in each week—for the discussion of those questions which in their opinion required consideration; and the fact was, that after deducting a week or two at the beginning, and a week or two at the end of the Session, there were not above ten or twelve Tuesdays available for Motions. Early in the Session he fixed on one of these Tuesdays, understanding that it was an open day, but he never was more miserably deceived. That was the day appointed for the marriage of the Prince of Wales, and the House did not sit on that day. He put his notice down for another day, when he was induced to postpone it because, it being St. Patrick's night, many Irish Members who would have supported him were engaged elsewhere. Upon the next occasion he was again unfortunate, the House adjourning immediately in consequence of the lamented death of a distinguished Member of the Cabinet. He fixed upon another day, when his notice stood second, but the preceding Motion—that of the hon. Member for Berkshire upon education—occupied the whole evening, and again upon the last day for which he gave notice, and when he again stood second, the entire evening was occupied with a discussion upon the first Motion—one relating to the condition of Ireland. He did not propose to ask leave to introduce a Bill, believing that at that period of the Session no private Member could hope to interfere with the arrangements of the Government respecting the surplus of revenue which they possessed. He therefore only proposed to submit a Resolution conceived in such moderate terms that he could not understand upon what grounds the Chancellor of the Exchequer could object to it. As, however, he feared he could not expect the cordial acquiescence of the right hon. Gentleman, he would give a few arguments in support of his proposition. He would, in the first place, remind the House that last Session he obtained leave to introduce a Bill to reduce the duty on fire insurance. That Bill was read a first time, but he did not press it, because he took the vote of the House to imply rather a recognition of the policy of the principle of reduction than the empowering a private Member to interfere with the financial arrangements of the Government. But that Vote was an encouragement to him to propose a Resolution—

"That in the opinion of this House the duty now chargeable upon fire insurances is excessive

*Mr. H. B. Sheridan*

in amount, that it prevents insurance, and should be reduced at the earliest opportunity."

He submitted that Resolution because he believed that a reduction of this duty would benefit the revenue by bringing into the area of insurance a vast amount of property that was not then insured, and also because the present high rate of duty interfered with the prudent insurance of national property. The revenue derived from fire insurances was £1,600,000, representing £10,007,000,000 of insurable property. He proposed to reduce the duty, then 3s. per cent, by 1s. for five years, at the expiration of that period to reduce it by another shilling, leaving the ultimate duty 1s. per cent. Although he believed any duty upon fire insurance was impolitic, he did not propose to go further. Neither did he limit the proposal to any particular amount of premium. He had said that he believed the reduction he proposed would really augment the revenue derived from that source. The natural increase of the revenue for duty upon fire insurances was £50,000 a year, which was supposed to represent the annual increase of the national wealth, but to which in reality it bore a very small proportion. But, adding to that yearly increase the increase of £100,000 a year that might reasonably be expected to flow from a reduction of the amount of duty, there would be £150,000 a year to compensate for any immediate loss the revenue might sustain from a reduction of the duty. Taking the increase of £150,000 annually for five years, it was clear that at the expiration of that period the first loss of £530,000, consequent upon a reduction, would be far more than made up. Besides, even if that were not so, an experiment or two less in art and science, or at Woolwich, would enable the Government to concede a boon which the country had been anxious to obtain for years. He had consulted some of the most eminent actuaries and statisticians in the kingdom, and they considered that £100,000 a year was the minimum which the Chancellor of the Exchequer might expect from a reduction of the duty by one-third. But if the reduction should be greater, the boon which would be given to the country would be of such a character as would more than compensate the right hon. Gentleman for the small *ad valorem* loss which the revenue might sustain. A new feature had been added to the question since it was last discussed. In 1856 the Government actually employed counsel to defend the insurance duty, and the gentleman they

selected for that purpose was Mr. Coode. He should be content to leave Mr. Coode's blue-book, however, to the statistical and scientific societies, who dealt very severely with it when it appeared. He need only refer to the very talented and conclusive arguments of Mr. Samuel Brown, which were supposed to have cut to pieces the reasoning of Mr. Coode, and the House had also expressed its opinion of it by the support which it had given to his Motion. But, nevertheless, a revised edition of it was published during the Easter holidays, and the Chancellor of the Exchequer had cited it as an authority on the subject. Mr. Coode asserted that property to the amount of 400 millions was not insured, because, as he said, the insurance offices were disinclined to receive small sums of money on account of the stamp duty imposed by Government. Now, in point of fact, the companies did not charge the stamp duty in certain cases; but if, as Mr. Coode alleged, a tax of 6*d.* prevented insurances, was it not reasonable to suppose that a Government tax of 200 per cent upon the premium itself would have the same effect? Another statement made by Mr. Coode was that the insurable property of the country was exhausted, and, that consequently, no hope need be entertained of an increase to the revenue from that source. He estimated the insurable property at £1,141,000,000, but he omitted from his calculations the whole of Scotland and the whole of Ireland, all our ships and our cargoes, all our railways, all the tools of industry, and all the machinery with which we carried on our mercantile and commercial transactions. In France all the railways were insured, and he believed that the railway property in this country might be valued at £600,000,000. He estimated all the various descriptions of property which Mr. Coode excluded as amounting to £1,500,000,000. Mr. Coode argued, that as it was proved that the average amount of the property lost in cases of fire did not exceed one-third of the amount insured, a prudent man would not insure for more than one-third of his property. It was, however, absurd to suppose that in individual cases men would insure only one-third of the insurable property they possessed merely because by the law of averages that was found to be the proportionate amount actually destroyed taking the whole of the losses by fire throughout the country. But upon Mr. Coode's figures alone he maintained that

there would be a sufficient return to the revenue to make up for any reduction of duty which the adoption of his Resolution might involve. Mr. Coode had said a great deal about agricultural insurances; and, indeed, the reply of the Chancellor of the Exchequer last year turned principally upon that point. The right hon. Gentleman argued that the farmers had not adequately responded to the liberal manner in which they had been treated. But Mr. Coode's own figures should answer the right hon. Gentleman. From 1835 to 1846, while other insurances had increased 25·2 per cent, agricultural insurances had increased 28 and 1·6th per cent. In May 1850 the offices raised their charges, and the agricultural insurances immediately fell. In December 1853 they reduced them again, and the insurances rose. Mr. Coode argued that the duty was a tax not upon prudence, but upon property, because it could not be said that insurance added to the general wealth of the country. Surely, however, to insure was an act of prudence with reference to the individual, and in that sense at least the tax fell upon prudence. Mr. Coode had discovered that the tax was not only wise, but deserved support; and that its effect was not to discourage insurance. Mr. Coode said that the profits of the companies were 50 per cent of the premiums; but if that was so, it followed that the Government tax was really one of 400 per cent upon the cost price of insurance. If assurance companies were nothing but so many nests of swindlers, what must be said of the Government, who insisted on being partners in every transaction? For every £100 taken by an insurance company, the Government took £800 as its share of the swindle. That was the sum and substance of Mr. Coode's conclusions. He therefore thought it would be a waste of time to follow his argument further. Mr. Coode was not an actuary, a statist, or a financier; he had nothing to do with chambers of commerce or the great commercial body. He had been retained to defend the duty, and he had done so to the best of his power. Mr. Coode relied on theory, and the Government relied on Mr. Coode. It had been said that a scruple of fact outweighed a pound of theory; and he relied on the evidence of practical men. There were 100 Petitions presented to that House from corporations, all urging the reduction of the duty on the ground that it would in-

crease the revenue. There were 17 from chambers of commerce and the associated chambers of commerce, 100 Petitions from inhabitants of towns and cities, 130 from village societies, and 100 from miscellaneous places, all numerously signed. In fact, there was no other fiscal subject on which so many Petitions had been presented during the Session, as for the reduction of the duty on fire insurances. Then, if he took the opinions of the great thinkers on statistical subjects, he might quote Mr. Leoni Levi, Mr. Porter, *The Times*, and Mr. Newmarch, who stated that the duty on fire insurance was a duty against fire insurance, and to that he attributed the fact that about 80 per cent of the insurable property was uninsured. In addition, he (Mr. Sheridan) had scores of private letters showing how the tax operated in preventing insurances. One letter, from a gentleman who acted in the country as agent for a first-class insurance company, stated that he found the farmers almost universally insured their farming stock, but almost as universally refrained from insuring their household property, on account of the duty. He might, in addition to these letters, quote Mr. Sharman's very able pamphlet to show how seriously the amount of the duty operated in restricting fire insurance and the benefits which might be expected to result from a reduction of the duty. In the year 1862 the Chancellor of the Exchequer himself admitted that the reduction of duty would produce an increase of insurance. Despite all that the right hon. Gentleman had said to the contrary, he maintained that the duty operated as a punishment or fine of 200 per cent upon all those who insured. The Government did nothing for the tax. Not only did it offer the insurance offices no guarantee whatsoever in return for it, but it even took no part and rendered them no assistance in the extinction of fires. The Resolution which he asked the House to adopt was only a re-affirmation of that to which it came last year, when it gave him leave to introduce a Bill upon this subject. The right hon. Gentleman might say that its adoption would amount to a declaration that the tax was the first that ought to be repealed, and might dwell upon the inconvenience of such a declaration. For his part, he could see no inconvenience in the adoption of such a course, because there was no tax of which the incidence was more unfair or the abolition or reduction of which was more necessary. He did

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not desire to re-impose the tax on farming stock, although Mr. Coode appeared to favour such a course; and he warned hon. Members that if Motions like his were defeated, the Government might be inclined to take that step. He believed that the Chancellor of the Exchequer was in his own mind sensible of the objection to this duty, and he hoped that he would not oppose the Resolution. The hon. Gentleman concluded by moving—

"That, in the opinion of this House, the Duty now chargeable upon Fire Insurances is excessive in amount, that it prevents Insurance, and should be reduced at the earliest opportunity."

Mr. COX seconded the Motion.

Mr. HUBBARD said, he had hoped that the Chancellor of the Exchequer would have thought fit to say a few words in answer to the Motion of the hon. Member for Dudley, the more so since a Report on Fire Insurance Duties by Mr. George Coode, prepared by order of the Government, had been circulated to the Members of both Houses; and he was anxious to learn whether the Chancellor of the Exchequer did or did not adopt its facts, arguments, and general reasoning. If he did not, he should like to know why the Report had been circulated. If he did, its contents must be considered, not as the work of a private individual, but as a State paper. He should apply himself to those arguments in the Report bearing directly upon the question in the order in which they arose. One of the complaints against the present fire insurance duty was the large proportion that it bore to the property insured. How did Mr. Coode meet that complaint? Why, thus—"No house is wholly destructible by fire," said Mr. Coode; few properties are insured to their full value; and assuming two-thirds only to be insured, the duty of 3s. per £100 amounts to the insignificant tax of 1s. per £1,000; and then, concluded Mr. Coode, "it is a tax that can be condemned only in common with all other taxes on permanent property."

Now, it ought to be obvious to every one that the complaint referred to the pressure of the tax upon the property insured, and not to the proportion it bore to property uninsured. The duty on property worth £100 fully insured is 3s.; but the 3s. is an annual tax, and the proportion between the tax and the property is shown by the investment of which the annual interest would provide the annual tax. The sum of £4 13s. invested in Consols at the present price would yield an interest of 3s.; so that

£4 13s. per £100, or nearly 1-20th part, is the proportion of any insured property absorbed by the tax. And then this tax—this property tax, as Mr. Coode calls it—on what property does it fall? An equitable property tax should fall on all property; but this can fall only on insurable property, and does not fall equally on that; it falls on property which the owner could only lose to his inconvenience or ruin; it does not fall on the property of the rich. The lord of half a county, the proprietor of a whole town parish, becomes his own insurer, he need not insure; he altogether escapes this novel property tax, which takes the twentieth part of the possession of his poor neighbour. Again, the magnitude of the tax in comparison with the premium paid for the risk insured against is a complaint. What is Mr. Coode's defence? "You complain," says Mr. Coode, "that the 3s. duty is double the 1s. 6d., which you assume to be the natural cost price of the insurance." But you are quite mistaken; the natural cost price is infinitely less than you imagine—half of the premium is required to meet fraudulent and dishonest claims—a quarter more is taken for the profit of the insurance office; and, in fact, "the premium is at least four times the natural cost of the insurance." He (Mr. Hubbard) had never heard that the business of fire insurance was a monopoly, and the insurers are satisfied to consider the risk balanced by the charge of the insurance office; but how does this argument affect the complaint Mr. Coode is answering? Why, in this remarkable manner—that, upon Mr. Coode's own evidence, the cost "price of the ordinary risks" should be not 1s. 6d. but 4½d., and that the duty of 3s. enacted by the State, in proportion to the risk, is not as 2 to 1, but as 8 to 1. Mr. Coode is not satisfied to treat this question in a dry fiscal view—he raises an important moral consideration; he charges the present practice of fire insurance as being one "which for every shilling paid to an honest insurer gives another to reward fraud or arson—an other shilling to tempt or reward those who practise the most alarming and destructive of all crimes." If this were so, the Government should not let the scrutiny stop there—they should take steps for the repression of a system so full of danger to property and life; and he would add, they should abstain meanwhile from any participation in gains from such an immoral source. Another objection

to a heavy duty on fire insurance is that it becomes a tax on prudence.

"The objection," replies Mr. Coode, "is in truth merely rhetorical. It is of the very nature of taxation that it must be mainly derived from the exertion of all the moral and physical excellences productive of wealth; for industry, enterprise, fortitude, temperance, and prudence are the main producers of revenue, public and private. We have no alternative but, in the same rhetorical sense, to continue to tax 'prudence' and all the other productive, frugal, and profitable habits of men."

Without stopping to inquire whether a tax on spirits and tobacco would be classed by Mr. Coode with taxes on prudence, he (Mr. Hubbard) might at once point out that Mr. Coode wholly misunderstands or wholly misrepresents the argument. He ignores the influence of the tax upon the taxpayer, and looks only at the taxpayer's property. Doubtless prudence and industry are the producers of the taxpayer's property, which may be taken either by the income tax or the insurance tax; but while one tax shared the products of his prudence, the other prohibits acts of prudence. The complaint against the insurance duty is, not that it taxes the products, but that it taxes the exercise of prudence.

The last of Mr. Coode's arguments which he would notice is one which its author considers conclusive evidence against any reduction of the duty—

"Commencing with 1834," writes Mr. Coode, "the value of farming stock insured was thirty-seven and a quarter millions sterling; in 1862 it had risen to sixty-five and a half millions; but in 1834 property subject to duty was insured to the amount of four hundred and eighty-three millions, and in 1862 the amount had increased to one thousand and seven millions."

Thus showing an increase in farming stock of 76 per cent, and on other property of 108 per cent. So that while agricultural "property, exempt from tax, has increased only at the yearly rate of 2·7, all other insurances without bounty or exemption have advanced nearly three times as fast, at the yearly rate of 7·3 per cent." There is great arithmetical inaccuracy in this statement. The amount of taxed insurances in 1862 was not 1,007 millions, but 941 millions, and the real results are these—that between 1834 and 1862 the insurance of farming stock increased 76 per cent, or 2·7 annually, and the insurance of other property increased 96 per cent, or 3½ per cent annually. But taking these rectified results, did they truthfully exhibit the relative progress in insurances of taxed or untaxed property?

Nothing of the sort. It had been said that few things were more fallacious than figures, and he would show to the House that this statement of Mr. Coode's was an arithmetical fraud. If they were told that Bath was vastly inferior to Brighton in sanitary intelligence, for that in Bath vaccination had increased only 10 per cent in fifteen years, while in Brighton it had increased 100 per cent, they might accept the facts, and believe the assertion. But they would find they had been egregiously misled when they discovered that during the period in question the population of Bath had been stationary, while that of Brighton had doubled. And so with regard to the argument of Mr. Coode—he told them what was the positive increase of insured property of either kind, but he omitted to state what were the respective areas from which the increase arose. He (Mr. Hubbard) would supply the omission. In 1834 the population was 17,000,000; in 1862 it was 23,500,000. In 1834 the population consume 17,000,000 quarters of corn, of which 1,000,000 were imported and 16,000,000 home grown. In 1862 the consumption of corn was 23,500,000, of which 7,500,000 were imported, leaving, as before, 16,000,000 as provided from our home growth. Judging from these figures—and he had taken an average of the five years' importations in order to be more accurate—it would seem that the increase in value of farming stock must have been very small. But he would apply another and a more definite test. In 1453 the value of lands assessed to the Property Tax was £40,167,000, and in 1860 it was £42,940,000, showing an increase of £2,773,000, equal to 7 per cent, or at the rate of  $\cdot 375$  (less than one-half per cent) per annum. In 1843 "Houses" (representing taxable insurable property) were assessed at £35,556,000, and in 1860 at £48,779,000, showing an increase of £13,223,000, equal to 37 per cent, or at the rate of  $2\cdot 061$  per annum. The proportional increase in property taxable if insured had therefore been more than five times as rapid as that of property exempt from taxation if insured; and combining in the computation the increased insurable value and the increased value insured of either class, it will be found that since 1834 the proportional increase in exempt agricultural insurance has been four-fold as rapid as in other insurances subject to the tax. So much for the irresistible facts and logic

*Mr. Hubbard*

of Mr. Coode; and here he might leave this "Revised Report on Fire Insurance Duties"—a tissue of mystification and deception, "presented to both Houses of Parliament" by Her Majesty's Government; but he could not resist the challenge thrown out in the last page of this official document for the proposal of "any other tax as productive, as little burdensome, to industry or property, and as little annoying in collection;" and he therefore would suggest a means by which some £300,000 might be gained to the country, at a moderate cost of collection, and without any sensible obstruction to our commerce. He meant an export duty upon iron. Our export of iron is about 1,400,000 tons, of the value of £12,000,000; and on this quantity a duty of 5s. per ton would yield £350,000. Such a duty would be paid wholly by the foreign consumer; for no foreign iron could approach British iron in the way of competition; and as the price of bar iron had varied over a period of ten years from £5 to £10 a ton without materially affecting the amount exported, it might safely be assumed that an export charge of 5s. a ton would not diminish the foreign demand. We were unfortunately precluded by the French Treaty from levying an export duty on coal for six years to come, but we were still at liberty to turn to the advantage of the national revenue our special and unrivalled capacity for the production of iron. This, however, by the way: for, to return to the question before the House, no inducement but its own demerits, need be pleaded in favour of a reduction of the fire insurance duty. He trusted the House would not hesitate to express its opinion upon that question, for at this period of the Session such an opinion could not embarrass or obstruct the measures of the Government. His hon. Friend (Mr. H. B. Sheridan) had wisely submitted the question to the House in the shape of a Resolution, and the House by affirming that Resolution would, in the most convenient form, furnish the Government with an instruction to be followed by the Finance Minister who might prepare the Budget of 1864.

THE CHANCELLOR OF THE EXCHEQUER: There are two subjects, one of which is I think before the House, while the other has formed the staple of the remarks which have been made in this debate. The speeches of my hon. Friends have entirely turned upon the merits of

the fire insurance duty—but that is not the real question before the House. The question before the House is whether the Resolution, proposed by the hon. Member is a Resolution proper to be adopted. On the merits of the fire insurance duty itself, if I say anything, it is that I may not be supposed to concur in all the exaggerated statements which have been made by the hon. Gentlemen who have addressed the House. The hon. Mover of the Resolution states that an admission has been made by me which places me upon his side—namely, that the reduction of a duty of this nature would, in all probability, as in most other cases of a reduction of an indirect tax, be followed by increased consumption. I do not deny that at all, or that there is much to be said, under different circumstances and at a proper season, in favour of the repeal or diminution of this duty, in competition with other duties. But I am sorry my hon. Friend proposes an abstract Resolution in condemnation of this particular duty. The hon. Gentleman's estimates are some of them so positively astounding, that I could hardly credit my ears when I heard them. It was with considerable misgiving, and after much investigation, lest there might be any error in the figures, that I ventured to give an estimate of the increased wealth of the country. But my computations are not only modest and humble, but absolutely contemptible by the side of those of the hon. Gentleman. A thousand millions sterling a year is the hon. Member's computation of the augmentation of the wealth of this country; but then, with an enormous liberality of deduction, he admitted that it ought to be reduced to £200,000,000.

MR. H. B. SHERIDAN said, that making allowance for various reductions, he had stated the augmentation at about £200,000,000, but he dismissed that point from his argument.

THE CHANCELLOR OF THE EXCHEQUER: But the hon. Member could not shut it out from his argument. Quintupling figures in this way is a most dangerous practice in debate, because the hon. Member thus involves his calculations with a kind of golden halo, so that it is hardly possible to resist his propositions, even when most questionable. Mr. Coode, a gentleman of great ability, had been chosen by a man of great ability, whose loss we all deplore, the late Sir George Lewis, to consider this question; and I think Mr. Coode's report has led to a thorough investigation of the subject, and has been pro-

ductive of much good. I think the hon. Member ought to be very grateful to Mr. Coode, for I do not know how he could have been supplied with materials for his speech to-night without Mr. Coode. But I do not think he quoted Mr. Coode with accuracy. [Mr. H. B. SHERIDAN here rose to explain.] The hon. Gentleman has got his speech and his reply, and I think he may dispense with incessant speeches in the middle of my remarks. The hon. Gentleman quoted a number of persons whom he calls "practical men," and one of these "practical men" states, in the most confident manner, that any reduction, no matter of what kind, the Government may make in this duty, would be made up in the increase of insurance. But that, to my mind, has very much the appearance of an off-hand judgment, and one which the House of Commons, responsible as it is for the income and expenditure of the country, would not be very safe in acting upon. The hon. Gentleman has quoted, as an authority, the declaration of a "practical man" that the farmers generally would not insure their stocks. [Mr. H. B. SHERIDAN: I must say I said no such thing. I said their household furniture.] Well, then, I will not insist upon that point. With respect to the case of agricultural property, the argument of my hon. Friend was of such a nature, that I could neither give my assent to it nor withhold it. But let us take the figures as they stand. According to him, the annual increase upon farming stock is 2·7 per cent per annum, and the annual increase upon other commodities, subject to duty, 3½ per cent per annum. It may be true that farming stock has not increased in the same proportion as other insurable commodities; but, for all that, farming stock has increased, and is increasing, enormously, and that is a fact which materially qualifies the extreme assertions sometimes made. In the case of the paper duty, I used to resist the conclusion to which hon. Members leaped, that because the duty was an increasing one, therefore it could not be a bad duty. But the paper duty was an impost on an article essentially connected with other articles. But that is not the case with fire insurance, and to think that the maintenance of the duty leads to a diminution of other articles is like supposing that a high duty upon mustard would limit the consumption of beef. In the year 1816, when the 3s. duty was first imposed, it produced £543,000; in 1848,

£1,130,000; and in 1862 it produced £1,609,000. The increase, therefore, has apparently been more rapid than the increase of the general wealth of the country, because I do not think that the increase of the wealth of the country, considerable as it has been since 1816, can be said to have increased threefold upon any such estimate as I should like to rely upon or to be responsible for. The hon. Gentleman's calculation, that the duty, if reduced, will be replaced to somewhere about £100,000 a year, is, I must say, of the most sanguine character. It is difficult to argue dogmatically on a question which affords us so few data of a positive character, but experience shows us that the reduction of duties which are not direct taxes, but which are taxes falling on property and on classes having property, is attended with a very much smaller effect in the way of recovery than the reduction of duties on articles of general consumption by the great body of the people. In 1840, when 5 per cent was laid on the Customs and Excise duties, and 10 per cent on the assessed taxes, while the 5 per cent was almost entirely absorbed by the increased pressure on the consuming power of the country, very nearly the whole anticipated 10 per cent was obtained from the assessed taxes, though it was a time of distress. Again, in 1858 the assessed taxes were modified and simplified and their amount very much reduced, and yet, though that is ten years ago, they have not recovered from that reduction.

I will not trouble the House by answering the hon. Member's speech, as he has done me the honour of answering my speech of last year. I prefer to go to that which is the main point before us—the merits of the Motion. It is a Motion which invites us to give a certain abstract opinion on the merits of the fire insurance duty. It asks the House to declare—

"That, in the opinion of this House, the duty now chargeable upon fire insurances is excessive in amount, that it prevents insurance, and should be reduced at the earliest opportunity."

I want to know whether that is a proper course for this House to take, which is charged with imposing burdens on the people and relieving them whenever it is possible? Is it right to pronounce an abstract opinion—written in the air, as it were—on the merits or demerits of a particular duty without taking any step to remove it? I protest against such a step, and I say it is in direct contradiction to

every true conception of the duties of this House. The hon. Member told us that it was a kind of instruction to the Government, signifying that some day, and that an early day, the duty is to be removed. What is meant by some day, and above all by an early day? You will answer me, that must depend on circumstances. Well, then, let us wait for the circumstances, and then we shall be able to judge whether we can remove it or not. We are told, on high authority, "In vain is the net spread in the sight of any bird." The hon. Gentleman has spread his net; and if the birds go into it, it is their own fault. He makes no concealment of his object; he tells us fairly that his object is to secure a preference to the fire insurance over all other duties, and that the fire insurance duty is to stand No. 1 for reduction. [Mr. HUBBARD: Hear, hear!] I perceive my hon. Friend the Member for Buckingham cheers that, and I certainly thought from his speech that he was going to make some addition to the Motion. I could have suggested to him a very appropriate form of words which would have formed an admirable conclusion to his speech. He should have moved to add, after expressing an opinion that the tax should be removed at the earliest opportunity, "and this House is prepared to provide a substitute by means of a duty on the export of iron." I certainly did not expect to hear a Gentleman connected with the commerce of this country stand up in his place in Parliament and recommend as an unexceptional tax the imposition of a duty, and a rather heavy duty too, on the export of iron. My hon. Friend puts the price of pig iron at from £5 to £10 per ton. If he has any pig iron for sale, I should be sorry to deal with him; but, for his sake, I hope he may find a customer. [Mr. HUBBARD: It was bar iron I meant.] My hon. Friend means bar iron, but he certainly said pig iron. The hon. Member wants to put this tax No. 1 for reduction, and there I join issue with him. I am not prepared to write down any duty as first for reduction, and I say it would be a gross breach of duty in me to give countenance to any attempt to forestall financial arrangements which it is impossible to foresee, and when, for all we know, it may be our duty to impose new taxes instead of reducing old ones. We are not without warning as to abstract Resolutions on these subjects. What occurred on the paper duty ought to be a warning to us all. I will give a

slight outline of the facts. In 1858 the Government of the day, as I think unfortunately, acceded to a general Resolution condemning the paper duty. In 1860 the then Government had to consider whether it would propose to reduce the tea duty or to abolish the paper duty. They determined to propose to abolish the paper duty, and a material element which guided them was the fact that the House had recorded its condemnation of that duty. But when they came down to the House with a proposal to repeal the paper duty, they found that one-half of the House was entirely indisposed to admit that any weight was to be attached to that Resolution. I am not going to say who was right or who was wrong, but there is a clear proof of the danger of those abstract Resolutions. Of such resolutions I have never at any period been enamoured; but unquestionably, after what occurred on the paper duty, I should think it most unfortunate if we fell into the same error again. The Resolution, so far from being calculated to produce a mitigation of burdens, must exercise a most misleading effect with respect to the financial state of the country. It was stated to-night by the hon. Member that Chancellors of the Exchequer are accustomed to say, when the repeal of a tax is proposed, either that it is too soon or too late. Well, I am right in saying it is too soon when it is soon, and that it is too late when it is too late. But there is a suitable time; and that is, when the financial plans of the Government are proposed. Then an hon. Member may put up a tax, which he thinks ought to be repealed, against another which the Minister thinks ought to be repealed. In that way the repeal of the paper duty was opposed, for it was said that the tea duty should be repealed instead, and there was a fair fight between the advocates of the one remission and the advocates of the other. That is the manner in which such matters should be brought to an issue; but do not let us adopt a system which evades a fair issue and sets up an issue altogether indirect. If we are to deal fairly with respect to the people in matters of taxation, we must consider the various claims for reduction together. The other evening the hon. and learned Member for East Suffolk might have drawn forth enthusiastic cheers, when the House was filled with Gentlemen from the barley-growing counties, if he had proposed a Resolution to the effect that the malt duty

restricted the consumption of a wholesome beverage, interfered with trade, and should be reduced; but the hon. and learned Gentleman took a more straightforward course, and proposed an inquiry, without attempting to prejudge the opinion of the House. Nothing is easier than to move an abstract Resolution in favour of the reduction of a tax; but the House should receive with great caution and circumspection these separate propositions, for the House is not in a condition to decide whether it can part with a particular tax, until its comparative claim for remission is considered in connection with the claims of other taxes, at the time when the finance of the year is to be determined. That is the principle on which I take my stand, and I do not, therefore, go about the bush to move the Previous Question, for that implies that the Motion is fit to be put at another time, whereas I do not admit that an abstract Resolution like this is fit to be put at any time. Against these abstract Resolutions, condemnatory of taxes, I, for one, after our previous experience on the subject, am determined to take every opportunity of registering my most decided protest. If we think that we have the power to reduce this tax, and that it is one of the best taxes to be reduced, then let it take its place for consideration, but it is essential to public justice that the tax should not be dealt with in the dark, and in a corner as it were, when other claims are not under view.

Mr. THOMSON HANKEY said, that the right hon. Gentleman had entirely repudiated the book of Mr. Coode, though he could not imagine that the order for its reprint in 1863 had been given by any other person than the Chancellor of the Exchequer himself. Greater rubbish was never put forward as an official document by any Government, and they ought in fairness to have published Mr. Brown's report, which contained an answer to every word in Mr. Coode's book. He was not prepared to say that the fire insurance tax should be the first to be repealed, but he thought it desirable to have the opinion of the House that it was a bad tax. It was only by what the right hon. Gentleman called an abstract Resolution that a private Member could bring a question like that under consideration before the House; and the Chancellor of the Exchequer himself admitted that the repeal of the paper duties was practically owing to the abstract Resolution to which he had referred.



MR. H. B. SHERIDAN said, that he had been in one part of his speech misunderstood by the right hon. Gentleman. What he had stated, quoting from a letter, was, that farmers, in nineteen cases out of twenty, did not insure their household property.

Motion made, and Question put,

"That, in the opinion of this House, the Duty now chargeable upon Fire Insurances is excessive in amount, that it prevents Insurance, and should be reduced at the earliest opportunity."—(*Mr. Henry B. Sheridan.*)

The House divided :—Ayes 103 ; Noes 67 : Majority 36.

#### FELLOWSHIP PORTERS (LONDON).

##### SELECT COMMITTEE MOVED FOR.

MR. AYRTON said, he rose to move for a Select Committee to inquire into the treatment of the fellowship porters by the corporation of London. The fellowship porters were the remains of an ancient body in the City of London. They had their origin several centuries ago, in connection with the privileges of the corporation of London. The corporation claimed the right of measuring all goods that came by the river Thames into London. The fellowship porters were appointed to do the measurement ; and the corporation directed that they should pay one penny out of every shilling they earned, which penny was to go to a fund devoted to the expenses of management and certain other purposes. The corporation had given up measuring, but still enjoyed a large revenue as measurers, while the fellowship porters, whom they had mulcted of a penny out of every shilling of their earnings to form a benefit fund, were left unprovided for. The only way in which the corporation could be influenced, was by appointing a Committee of that House to expose the way in which these poor people had been treated. For forty years they had been mulcted of one-twelfth of their daily earnings, and it was a shame that they should be left now in utter destitution, while the corporation spent tens of thousands of pounds upon dances for the pleasure of its members and their wives. The benefit fund was distributed in this way—£60 for table, £234 to the rulers, £138 for an office, £100 for a clerk, £10 for a servant, and only £117 for the relief of the fellowship of the porters. It was monstrous that there should be this extravagant waste, and he hoped that the House would inquire into the matter.

*Mr. Thomson Hankey*

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the treatment of the Fellowship Porters by the Corporation of London."—(*Mr. Ayrton.*)

MR. CRAWFORD said, he had no wish to suppress inquiry, nor was he instructed to ask for such suppression. He had however heard the speech of his hon. Friend, and he confessed he could not see on what ground he impeached the conduct of the corporation of the City. That was one of the opportunities of which his hon. Friend always availed himself, in season and out of season, for inveighing against the corporation of London. The fellowship porters were an old body connected with the City ; and although the right of the corporation to make rules for them had been disputed, that right was confirmed. No doubt it would not be right to establish such a body at that day, but the corporation had no interest whatever in their existence. They were placed by immemorial usage, confirmed by a decision of the Queen's Bench more than a hundred years ago, under rules made by the corporation of the City. Their claims had been considered by competent members of the council ; and the fact was, that out of some 600 working men who were affected more or less by the changes which had taken place in the mode of carrying on business, 400 had petitioned against the proposed inquiry as being wholly unnecessary. Those who had petitioned for inquiry were either old persons unfit for labour, or persons indisposed to work, and they wished to appropriate the accumulated fund, which amounted to about £3,000, and to see the fellowship wound up ; but the majority of the body were perfectly content with the present state of things, and did not complain of the reduction in their wages. He hoped that the House would not institute any inquiry.

MR. H. A. BRUCE said, he thought hon. Members would be of opinion that the subject was not one which ought to be referred to a Select Committee of the House, especially at that period of the Session. The question was one of a quarrel between the corporation and its employés, and the better remedy would be that they should have recourse to a legal tribunal.

SIR JOHN SHELLEY said, that the poor porters were unable to have recourse to a legal tribunal. The fact was, that the same duties were levied from them as

were raised years ago, when the fellowship porters performed duties which they were no longer able to perform. These poor men had no other tribunal than the House of Commons. At the same time, he admitted that it was not a favourable period of the Session at which to bring forward the claims of these men. He trusted the corporation of London would take larger views with reference to public interests—a corporation which had only one merit, that of an ancient descent—an apostolical succession for anything he knew. No one would rejoice more than he (Sir John Shelley) to find an improvement in the conduct of the corporation in this respect.

MR. AYRTON hoped that between that time and the next Session the City of London would do justice to these men; and if not, he might feel it his duty to call attention to the subject during the next Session.

Motion, by leave, *withdrawn*.

#### BANDA AND KIRWEE BOOTY.

ADDRESS MOVED.

SIR STAFFORD NORTHCOTE said, he rose to move that an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give such directions in the matter of the Banda and Kirwee Booty or Prize Money as Her Majesty may be advised by the Law Officers of the Crown or by some competent judicial authority. He begged leave to assure the noble Lord at the head of the Government that he had no intention of saying or doing anything discourteous towards him. He referred to the subject on the previous Motion merely to illustrate the necessity of having such questions decided by a competent judicial tribunal and on definite principles. The facts of the case were very simple. There were two bodies of troops who were engaged in the suppression of the Indian mutiny, one under Sir G. Whitlock, and the other under Sir H. Rose. The troops under Sir G. Whitlock captured Banda and Kirwee. When it was announced that the prize money at Banda and Kirwee was to be distributed, a claim was advanced on behalf both of the column under Sir G. Whitlock and of that under Sir H. Rose. It was suggested that these two columns were parts of one force, and on that question a difference of opinion prevailed. He did not ask the House to pronounce in favour of one claimant or of the other. All he sought was

that they should urge the Government to have these matters decided, not by the arbitrary discretion of the Treasury, exercised in the dark and without any opportunity of cross-examining witnesses and hearing evidence on both sides, but by some competent authority on sound judicial principles. Sir G. Whitlock and his friends desired only that the dispute should be settled before a legal tribunal. As he had been erroneously supposed to have said something offensive to the Government on the merits of the case, he would refrain altogether from going into it. If the army was to be encouraged by grants of prize, and if the men were to be kept in good order and discipline by the hope of such a reward, they ought to know on what principle it would be distributed. The same measure of justice should be meted out to the army as to the navy. That was a proposition which commended itself to common sense, and which had already been sanctioned in more than one instance. The High Court of Admiralty had, after hearing opinions of counsel, repeatedly decided cases of army prize; and, in fact, the Act passed twenty years ago for providing a better tribunal for these matters, authorized that arrangement. When Lord Cottenham brought in that Bill, he said it was desirable that there should be a court for deciding questions of army as well as of navy prizes. These were formerly disposed of by the old Court of Chivalry; but when that was given up, they were transferred to the Treasury, and then to the High Court of Admiralty. He hoped that Act would not be allowed to remain a dead letter, and that the Government would deal with these cases in a spirit similar to that which governed them in regard to navy prizes.

SIR MINTO FARQUHAR said, he would second the Motion. He wanted to know on what principle booty was to be given in one case to actual captors alone and in another to constructive captors. They heard that the opinions of Sir R. Phillimore, of Sir R. Palmer, and of Sir H. Cairns had been given in favour of the actual captors in that case, and he could not understand on what grounds the moderate proposal of his hon. Friend could be resisted. There was not a man in the whole army of India who did not thoroughly do his duty in the fearfully trying circumstances of the mutiny, and therefore this Motion was a simple act of justice.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give such directions in the matter of the Banda and Kirwee Booty or Prize Money as Her Majesty may be advised by the Law Officers of the Crown or by some competent judicial authority."—(*Sir Stafford Northcote.*)

VISCOUNT PALMERSTON: My right hon. Friend the Secretary for India complained, justly, as I think, in the early part of the evening that the hon. Baronet, having declared that he would not go into the particulars of this case, did go into these particulars, and stated *ex parte* one view, which no one could answer afterwards, and when that statement did not apply necessarily to the object of the Motion of the hon. and gallant Officer. But I have another complaint to make. The hon. Baronet implied that I had been influenced by some private and personal motives. I beg to say I repudiate those motives with the utmost contempt. [*Sir STAFFORD NORTHCOTE*: I never intended to impute such motives.] There are two modes of imputing motives. One is directly imputing so and so, and the other is by saying,

"I will not say that he was influenced by such motives," but implying that it really was so. In the first place, the noble Lord (Lord Stanley) moved some days ago for papers connected with this subject; and as that Motion was granted, the papers will soon be in the hands of hon. Members. It appears to me that it is more fitting that the House should wait until they have got those papers, to know what the case is, before they agree to a Motion which is founded in the dark, and without a knowledge of all the circumstances of the case. There is no law at all ruling cases of this sort. That is admitted by all. It is the opinion of the Law Officers of the Crown, it is admitted by the prize agents themselves in one of their last communications, and it is an unquestionable fact, that there is no law regulating the distribution of prize money. It rests entirely with the discretion of the Crown according to the circumstances of the case. As far as private solicitation is concerned, I have had a good deal of it, as I have no doubt have had also those hon. Gentlemen who are so loud in their expressions of concurrence with the hon. Baronet. No doubt they have also received solicitations from the prize agents, who have been extremely active in canvassing hon. Gentlemen for their support on behalf of their view of the case. ["No!"] Well, I can only speak for myself, and I have

*Sir Minto Farquhar*

had a great deal of private solicitation from them. But I have had no private solicitations of this kind from those who represent the other force. The representations of the agents of Sir G. Whitlock's claims were that Sir G. Whitlock was acting in an independent command upon a separate base, and not co-operating with any other force, and that therefore his position was entirely separate and independent. They say that consequently any prize of his column could only be shared by his column. But these assertions were, in my opinion, entirely refuted by a memorandum of Lord Clyde, under whose orders that force was acting, and which shows that these two columns were part of a combined force acting under his directions, and not at all independent of each other, but acting from a common base arranged by him for a common purpose; that the action of one was materially assisting the action of the other, and that to all intents and purposes they were co-operating columns; and that, although not united, union was not necessary to success, as the success of one depended mainly upon the success of the other operating against the common enemy. The mere fact of one column being in one place and the other column in another place did not affect their co-operation. It appeared to me that the fairness and justice of the matter required that the captures made by each of those columns should be thrown into a common fund, and be divided among the two columns. That opinion I came to, not in the least in consequence of private solicitation—there has been none, indeed, on the part of Sir Hugh Rose's force—but upon a view of the facts of the case, and very much in consequence of seeing that the statements made by the prize agents of Sir G. Whitlock's force were not founded on fact, and were rebutted by the orders of the Commander-in-Chief. I have no interest in the matter. I have no personal pride or vanity in the matter. It is a matter of perfect indifference to me how the matter is decided, provided it be according to justice and right. But there is no rule whatever upon the subject. Each case is decided upon its own merits. We are told that many precedents can be quoted in which the prize has been given to the particular corps by which it was taken. It seems to me that to make a precedent applicable to a given case you must show that the circumstances of the precedent were similar in all respects to the circumstances of the case to which you

apply the precedent as a ruling guide. That does not appear to be the case here, but I would suggest, as the noble Lord has moved for papers, which will be presented in a few days, that the hon. Baronet should wait and see those papers before calling upon the House to take any further steps in the matter. I shall have no objection, when the papers are produced, if the House should think that the case should be referred to any authority competent to decide, for it is indifferent to me what course is taken. But it must not be forgotten that these proceedings are not unattended with expense to the parties, besides involving delay, and therefore I would suggest to the hon. Baronet whether he had not better wait for the papers, to enable him to judge whether he ought to take any further steps.

Lord STANLEY: Are we to understand that no steps will be taken to deal with this fund until the House has had an opportunity of considering those papers?

VISCOUNT PALMERSTON signified assent.

SIR STAFFORD NORTHCOTE said, if that were the understanding, he had no wish to press his Motion. He had only brought it on that evening because of the advanced period of the Session. The papers had only just been ordered, and there was a natural fear that they would be presented only at the very close of the Session, when no opportunity would be afforded to the House of expressing an opinion upon them. If it were understood that the prize fund should not be dealt with until the House had had an opportunity of expressing an opinion, he would not press his Motion, and the matter must stand over until next Session. He only wished further to state distinctly that neither directly or indirectly had he intended to impute to the noble Lord any personal interest in this matter. What he said, or meant to say, was that it was most important for the discipline and good feeling of the army that there should not be even a suspicion of any personal influence being at work to insinuate statements which the other parties had no opportunity of criticising in open court. For his own part, he had no acquaintance with any of the persons interested in the prize money, and had taken the matter up simply for the purpose of doing what he believed to be a good service to the army in getting such cases decided upon some principle of law.

MR. AYRTON hoped that all the papers relating to the case would be produced.

Lord HOTHAM said, he thought that the Motion should not be withdrawn until the noble Lord at the head of the Government had given a distinct assurance that no action would be taken until the House had had an opportunity of expressing its opinion on the subject. His object was that justice should be done, and that the influence of a Commander-in-Chief should not be unnecessarily strained in order to give him a share in prize money to which he was not fairly entitled.

VISCOUNT PALMERSTON said, he had already assented in as plain terms as were usual in that House to the proposal of the noble Lord the Member for King's Lynn that no step should be taken until the papers were considered by the House.

Colonel DICKSON said, he trusted that no long time would be allowed to elapse before the prize money was distributed, for it was monstrous that the soldiers should for years be kept out of a reward which they had earned by their blood and valour. If, as the noble Lord had stated, there was no law for the distribution of prize money, the sooner one was made the better. At the time of action nothing was too good for the soldier; but when it was over, he was forgotten.

SIR JOHN HAY said, he wished to ask whether, if the papers were not laid on the table till the close of the Session, no decision would be come to until next year; or whether the question would be referred to a judicial tribunal in the interval.

VISCOUNT PALMERSTON said, that unnecessary delay in the distribution was to be avoided, but no action would be taken until the House had had full time to consider the papers, and express any opinion upon them which it might think fit.

Motion, by leave, *withdrawn*.

#### PETTY OFFENCES BILL.

On Motion of Mr. WHALLEY, Bill to amend the Law as regards persons charged with Petty Offences, and to enable such persons and their wives to give evidence, *ordered to be brought in by Mr. WHALLEY and Mr. HODGKINSON.*

Bill *presented*, and read 1°. [Bill 240.]

#### LAND TAX COMMISSIONERS' NAMES BILL.

On Motion of Mr. PEEL, Bill to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes *ordered to be brought in by Mr. PEEL and Mr. CHANCELLOR of the EXCHEQUER.*

Bill *presented*, and read 1°. [Bill 239.]

## INDEMNITY BILL.

On Motion of Mr. PEEL, Bill to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and to extend the time limited for those purposes respectively, ordered to be brought in by Mr. PEEL and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read 1<sup>o</sup>.

## EXPIRING LAWS CONTINUANCE BILL.

Bill for continuing various expiring Acts, presented, and read 1<sup>o</sup>. [Bill 238.]

House adjourned at a quarter before One o'clock.

## HOUSE OF COMMONS,

Wednesday, July 15, 1863.

MINUTES.]—SELECT COMMITTEE—*Report*—Kitchen and Refreshment Rooms (House of Commons) *Fourth Report* [No. 448].

PUBLIC BILLS—*Second Reading*—Jurisdiction of Justices (Lords)\* [Bill 232]; Pauper Lunatic Asylums\* [Bill 234]; Expiring Laws Continuance\* [Bill 238]; Land Tax Commissioners' Names\* [Bill 239].

Committee—Partnership Law Amendment [Bill 172], on re-committal; Anchors and Chain Cables [Bill 95]—R.F.

Report—Partnership Law Amendment [Bill 242].

KITCHEN AND REFRESHMENT ROOMS  
(HOUSE OF COMMONS) COMMITTEE.

## RESOLUTION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [2nd July].

"That, in the opinion of this House, the enlargement of the Dining Rooms proposed by the Committee on the Kitchen and Refreshment Rooms (House of Commons) should be carried into execution."—(Colonel French.)

Question again proposed.

Debate resumed.

SIR DE LACY EVANS said, as the hon. and gallant Member for Roscommon (Colonel French) was unavoidably absent on assize business in Ireland, he wished to know whether it was competent for him (Sir De Lacy Evans), concurring as he did in the Motion of his hon. Friend, to move that the debate be resumed.

MR. SPEAKER said, it was competent for any hon. Member to proceed with the adjourned debate.

SIR DE LACY EVANS said, he had but a few remarks to make on the subject. He quite agreed with the observations which had fallen from the right hon. Baronet the Member for Droitwich (Sir J. Pakington) on a former evening. A great

number of Members on both sides of the House, in attending to their Parliamentary duties, were in the habit of dining once or twice a week in a room which was obviously too small. He trusted, therefore, that the enlargement of the dining-rooms, as recommended by the Select Committee, would be carried into effect.

LORD HOTHAM said, he was sorry he was unable to concur in the opinion of the hon. and gallant Officer. The alteration proposed was not expedient, inasmuch as it would greatly contract the court for the passage of carriages, and would tend materially to deprive the division lobby of light. It would not, he thought, be justifiable to vote public money for the purpose. The drift of all the assertions made on the subject and of the Report of the Committee was this:—There was a desire on the part of some hon. Members to assimilate the coffee-room of the House of Commons to the coffee-rooms of the clubs to which they belonged—not recollecting that to all the clubs they paid an annual subscription for their maintenance. Hon. Members also expected to be able to get anything and everything they wanted at the shortest possible notice, and they did not make sufficient allowance for the occasional crowding of the dining-room, although they must be aware that there was no club which was not at times inconveniently crowded. He was not aware whether any arrangement had been proposed for the purpose of devoting to the use of Members of the House of Commons the first coffee-room into which they entered, and in which persons who were not Members of that House frequently dined. If that were done, the pressure and inconvenience to which Members were now subjected might probably be removed. Considering the uncertainty as to diners, he believed it was morally impossible for any man to provide for that large influx of Members who occasionally dined in the coffee-room, for the manager never knew until the last moment whether the number would be large or small. That fact might be exemplified by what took place the other evening. The hon. and learned Member for Sheffield (Mr. Roebuck) had left it in doubt whether he would move that the adjourned debate on the Recognition of the Southern States be proceeded with. If he had proceeded with that Motion, no doubt a very large number of Members would have dined in the coffee-room; but the hon. and learned Gentleman withdrew his Motion, and the consequence was that scores of hon.

Members found it convenient to dine elsewhere. Such a thing as that was of constant occurrence. In fact, the longer any one sat in that House the more convinced he would become of the impossibility of making any arrangements in reference to a question coming on or not. He thought, then, they ought to be contented with getting such refreshments as the present coffee-room provided. They should bear and forbear. Before the passing of the Reform Bill, at a time when the House was said to be filled with aristocrats, the coffee-room furnished only three articles, but better than those articles could not be found in any part of London. But at present Members entertained expectations he considered it impossible to fulfil. It was now proposed, in order to assist the manager of the coffee-room, that £200 or £300 a year should be allowed him; but he (Lord Hotham) entirely objected not only to that, but to the allowance which he had already. Whatever hon. Members had in that House, for that they ought to pay. If what was now proposed were done, it would be the first step towards the payment of Members. Let not the Chancellor of the Exchequer, then, be asked to contribute for such a purpose.

SIR PATRICK O'BRIEN supported the Motion, thinking that the Members of the House were entitled to the accommodation recommended by the Committee. When hon. Members were obliged to be in the House, they ought to have an opportunity of dining there in the same way as at a club. Every Member who dined in the coffee-room admitted that it was necessary to have increased accommodation. ["No, no!"] The expense was very small, and the House would not grudge it. A steak, chop, cold meat, or such plain dinner as could be obtained under the Bellamy administration, was all that was required. If £200 a year were added to his allowance, Mr. Steers would be able to carry out his arrangements.

SIR JOHN TRELAWNY said, they were sinking very low indeed, if they consented to ask Parliament to vote a sum of money for such a purpose. Why should not hon. Members buy a bun or a biscuit when their duty called them to remain in the House. It was really preposterous that hon. Members should not be content with a plain dinner. Did they want to have their washing also done at the public expense? This proposal would be a step towards giving wages to Members. He

hoped hon. Members would not allow the dignity of the House of Commons to be compromised in this matter. One thing was certain, this could never be called a Spartan Parliament.

MR. BASS said, the same objection applied to any allowance whatever as to an increased allowance. It must be obvious that it would be a great convenience, and a means of advancing business in the House, if hon. Members had an opportunity of dining in decency and comfort. There was no truth more commonly acknowledged in that House. What became of hon. Members at half past seven? A House could not be kept between half past seven and half past nine, and the hon. Gentleman (Mr. B. Osborne) who cheered the hon. Baronet so lustily would no more think of addressing the empty benches between those two hours than he would of addressing the Moon. The House sank at that time in the evening into the hands of third and fourth-rates. If there was to be a public allowance for the kitchen, it should be a sufficient allowance; and if the present sum was not sufficient, and the House was not willing to grant a further sum, let it be taken away altogether, and let hon. Members go back to mutton chops. He, for one, should not feel at all degraded by having an allowance voted for the convenience of Members of that House.

MR. BERNAL OSBORNE said, he had been looking about with some anxiety for those grave men, the Financial Reformers, who about two years ago signed an address to the noble Lord at the head of the Government requesting him to control in every way the expenses of the country. [Mr. Bass: I am not one of them.] He had thought that the hon. Gentleman signed the paper; but at any rate the hon. Gentleman represented Derby on financial reform principles, and yet down he came that morning to argue in favour of expensive dinners, and, not satisfied with mutton chops, desired to avail himself of the Consolidated Fund in order that he might dine better. [Mr. Bass: No!] He must say, that as far as he could recollect, the debates in that House were conducted with more order and with a much fuller attendance, between seven o'clock and half past nine o'clock, when simple mutton chops served for their dinner, than at present, when there was a bill of fare in which something like a French dinner was attempted. This ridiculous question, quite unworthy the

consideration of Parliament, resolved itself into an attack—and a very deserved attack—on the whole building. After spending £3,000,000 on it, the plan of the architect, it seemed, must now be altered, in order to build another dining-room. Now, he (Mr. Osborne) said, if you do anything, do not improve your dining-rooms, but improve your House, and make it a place fit for the debates of a great nation to be conducted in. The Report of the Committee on the Kitchen and Refreshment Rooms spoke about the inconvenience arising from the narrowness of the dining-room; but was not, he asked, the whole building narrow?—and if they were content to debate in a narrow room, they might be content to dine in a narrow room. This was an attempt to turn the dining-room into a luxurious club. Why could not hon. Members be satisfied with a plain dinner? The excellent plain fare which the kitchen afforded would not do for the hon. Member for Derby: unless he could get everything of the most expensive character and the best wines, he was dissatisfied. The Committee, first of all, complained of the arrangement under which the spirits and wine were provided, and wished to transfer the patronage of the House of Commons to certain wine dealers, whose names were certainly some of the best in the trade. But then it was proposed that three or four cellars should be provided, each to be placed at the disposal of a different wine merchant. Was ever such a proposition brought before a deliberative assembly? Under the present condition of things he had too often seen the Speaker left alone in that House; but if a great expense should be gone to in building fresh wine cellars, he was afraid that the hon. Member for Derby and other hon. Members would then be passing day and night in the refreshment room. The expense of the proposed alteration was put down at £5,000; but let them be warned by what had occurred with reference to the building of that House, and let them not be too sure that the expenditure would not reach £20,000. The Committee strongly recommended that advantage should be taken of the opportunity to raise the ceiling of the refreshment room; but if they were to have all these alterations, he proposed that they should pull everything to pieces at once, and have a thorough reform of the House of Commons, instead of merely making an attempt to improve the cooking department, which, while adding

to the expense of the country, was calculated to bring Parliament into contempt.

SIR JERVOISE JERVOISE said, that he believed that much of the inconvenience now complained of arose from the insufficient arrangements for cooking. He was told that the present sculleries were like a solid block of stone, surrounded with hot coppers, and quite unfit for any person to work in.

COLONEL WHITE said, that the cellars referred to by the hon. Member for Liskeard (Mr. Bernal Osborne) were in existence already, and had not to be built; and he did not see what objection there could be to giving the use of them to certain wine merchants. The only object was to get the best supply of wine, and the wine merchants would find it for their interest to supply them with good wine. If the House thought proper to go on with the present system, he, as one of the Members of the Committee, would be ready to submit to their decision; but he did not see the use of appointing the Committee, if their recommendations were not to be supported.

MR. BENTINCK, as a Member of the Committee, repudiated on their part any wish to do more than improve the present state of things, which had been extensively complained of. The hon. Member for Liskeard was mistaken with regard to the cellars—not one shilling of expense would be incurred with regard to them. It was merely a different arrangement that was proposed. The cellars were there, and the proposed arrangement would give to hon. Members the stocks of three leading wine-merchants to choose from. The hon. Member for Derby was right in saying that this was a more important question than it appeared. Under present circumstances, it was in vain to hope for a fair attendance of hon. Members in that House between half past seven and nine o'clock, and it would be found advantageous in respect to the public business if hon. Members were able to obtain a tolerable good dinner, though it were of the plainest kind, in a comfortable room near at hand. What the Committee proposed was, that there should always be a plain dinner ready, as now; but that hon. Members should be able to have anything they chose at a reasonable notice.

VISCOUNT GALWAY was understood to say that he would vote against the Motion.

MR. COWPER could not agree with those hon. Gentlemen who said that this

was too unimportant a subject to occupy the attention of the House. A very important part of the debates was carried on at the time generally known as the "dinner hour." That, he believed, had arisen from strict adherence to ancient custom; for when it was first settled that the Commons should meet at four o'clock, the Members used to dine at two or three o'clock, and had finished dinner before the business of the House begun. Foreign legislative bodies, he believed, met the difficulty by adjourning during the dinner hour; but our custom was that the House should continue the sitting, and the obvious remedy was, that the Members should have the opportunity of dining within the walls of the House. A very simple dinner ought to suffice, but still such a one as would not sour their tempers, and send hon. Members grumbling back to the House. He thought that the House ought to be grateful to the Members of the Committee for the pains they had taken to make arrangements by which Members might dine, within hearing of the division bell, comfortably and simply. He felt that there were great difficulties in the way of the proposition of the Committee to incur an expense of about £5,000 for enlarging the dining-room, and he wished the Committee still to consider whether the desired object could not be attained without the expenditure of money, by a different arrangement of the tables, and by including for the use of Members that part of the dining-rooms which was now open to persons who were not Members of the House. As there seemed to be so much difference of opinion on this subject, and as it was so late in the Session, he would recommend the hon. and gallant Member for Westminster (Sir De Lacy Evans) to withdraw the Motion, with the view of reconsidering the subject next Session, when, perhaps, some other proposal might meet with more unanimous concurrence than the present.

MR. DILLWYN said, he entirely agreed with what had been said by the First Commissioner of Works, and was glad to hear that he did not propose to alter the architecture of the building, because if they once began to do so, there would be no knowing where they would stop, and probably they might end in spoiling the whole edifice. With regard to the dinners, what they wanted was not a better description of dinner but better food and of better quality. At present the meat was extremely bad, and what they asked was that

it should be eatable. If it was, that was all, in his opinion, they had a right to expect.

SIR DE LACY EVANS concurred in the suggestion of the Chief Commissioner of Works, and consented to withdraw the Motion.

Motion, by leave, *withdrawn*.

PARTNERSHIP LAW AMENDMENT  
(*re-committed*) BILL—[BILL 173.]

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

MR. HUBBARD said, that when the Bill was first brought to his notice, he could not help attaching weight to the amount of evidence in its favour proceeding from various Chambers of Commerce and from the London Society for the Improvement of the Mercantile Law; but he found upon a comparison a great want of identity between the provisions of the Bill as it now stood, and those of the Bill which had been supported by Petitions. Many of the provisions of the original Bill had been struck out, and the measure as it now stood no longer answered the description to which the Petitions referred. One of the objects of the Bill was to enable clerks and servants to receive a portion of the profits in lieu of or in addition to salary, without becoming partners. But legislation for this purpose was unnecessary, for, according to very high authorities, clerks receiving a portion of their salary in a fixed stipend could even now participate in the profits without becoming partners. When it was asked why legislation was required on this subject, they were told to look back for the last two or three years, and they would see that Parliament had committed itself unreservedly to the principle of limited liability for companies, and therefore it was expedient to persevere in the same course. He, however, maintained that the legislation on that subject was as yet but tentative, and that the Act of Parliament was still on its trial, and he was very far from admitting that it had been altogether beneficial. It had given birth to numberless companies, but they were as yet far too young to give proof of their utility. No less than 2,600 companies had been registered under the provisions of the Act; and 330 appeared in the last Return laid on the table of the House as having been registered within the first five months of the



present year. Of those 330 companies thirty-three were banking companies, and thirty-three were hotel companies, numbering among their directors Members of that and of the Upper House. Very probably the two hotels proposed to be established at Richmond, under the presidency of two noble Peers, would be admirably conducted for the comfort of their guests; but he doubted their proving, under such distinguished management, a profitable investment for capital. There were in the Return some companies of an ambiguous character. One company had for its object to deal in church livings and buy advowsons. There was no amount of extravagance which these schemes stopped short of; and he held in his hand the prospectus of a company for enclosing, planting, cultivating, and colonizing the Goodwin Sands. He admitted that occasions might arise when persons combining to carry out some great public object would require to be protected against the unlimited responsibility of ordinary partnerships. Such was the case in respect to the formation of railways, the erection of dwellings for the labouring population, and the establishment of baths and wash-houses. But the motive for granting the same protection in the case of private partnerships altogether failed, as in respect to those there was no public object to be gained, nor did the object demand the extensive combination of capital. If a man lent money to a friend or agent who did not trade beyond the limits of that capital, then he was liable to lose only the amount which he had advanced; but if the agent traded to the extent of five or ten times that sum, then it was only fair, that if any one suffered, it should be the capitalists, and not the innocent creditors. The capitalist would have taken his share of the profits of the trade, and ought to bear an equal share of the losses. Under this Bill, however, the principle on which capitalists would trade was "heads I win, tails you lose." There was at present no difficulty whatever in obtaining credit. In fact, the evil was rather the other way, and some check was required upon the extravagant abuse of credit. The consequence of the system now proposed would be that a man of means could choose a number of agents, and encourage them in the most reckless overtrading, assured, that if affairs turned out badly, he could intrench himself within the limits of the capital which he had advanced to each,

*Mr. Hubbard*

and that the creditors could not come upon him for a penny more. It had been said that this system had been introduced into the United States and France. He asked any one who was acquainted with the United States whether commercial character stood high in that country? Was it not true that a man could start in business, fail, compound with his creditors, and, starting again, go through the same process of failure and composition, and that he could do this repeatedly without any check on his course of adventurous speculation? That was not a system which was congenial to English tastes or notions. We placed a high value on commercial integrity and success. The honour of a mercantile man was as delicate as that of a woman, and once tarnished could scarcely ever be retrieved. He hoped that it would be long before we changed our views on such matters. It had been said that experience in France was in favour of this measure. But, on the contrary, as to that country it was not difficult to trace the results of the system now advocated, in the increased number of bankruptcies, which from 4,000 in 1860, had risen to 4,862 in 1861, and had attracted the comments of the Parisian press. He had recently read in *La France* newspaper the lamentation that the one black spot on the statement of the Minister of Commerce was the enormous increase in the number of bankruptcies. The experience of France, therefore, was opposed to, and not in favour of, this measure. The commercial genius of the two nations was also very different. That of France was distinguished by a love of speculation without industry, while that of England was exhibited in a devotion to industry and in a distrust of speculation. Mr. J. Stuart Mill had been cited as favourable to *commandite* partnerships; but he nowhere gave any countenance to the idea that capitalists who carried on business through agents should be exempted from all liability beyond the amount of the money they advanced. He trusted Parliament would not sanction the measure now before the House; for if it passed, it would powerfully tend to discourage measured and cautious trading, and would stimulate a system of reckless and irresponsible speculation. He moved that the Chairman do now leave the chair.

Motion made, and Question proposed,  
"That the Chairman do now leave the Chair."

MR. CAVE said, that as he had been one of the Select Committee who had gone through the clauses of the Bill, he wished to say a few words. There was no one in the House for whose opinions on commercial questions he had a greater respect than that of his hon. Friend the Member for Buckingham. He had listened attentively to his long and able exposition of the principle of limited liability, and had felt relieved when he found that the hon. Gentleman had hardly touched the real point at issue in the present case. He fully concurred with the hon. Gentleman in regarding the benefits of limited liability as extremely questionable. He admitted the principle that a participation in profits ought not to be dissociated from liability to losses, and that while partners were sometimes hardly used, the case of the creditors was generally harder still. There was also no want of capital, not only for reasonable projects, but for the most hazardous and evendishonest schemes. The tendency of limited liability was, in his opinion, to encourage a dangerous spirit of speculation. Many a man helped to set afloat a wild scheme by risking a certain sum, who would not otherwise have dreamed of it, and thus a snare was laid for others. It was, as his hon. Friend said, just like gambling in a lottery, and a lottery had been defined as a tax which pressed unduly on the poor, because they were least able to resist the temptation and least able to bear the losses which they were thus tempted to encounter. But the principle of limited liability had already been settled by the House. It was too late to discuss it; and that being the law, this measure was a most innocent application of it, and indeed would, it seemed to him, mitigate rather than extend the evils of limited liability. Suppose, for instance, that A, B, C traded together, and that credit was given to them as rich men. If the firm came to grief, and it was discovered that A, B and C were liable only in a small degree, and not to the extent of their means, then the creditors might truly say they had been deceived. But suppose, on the other hand, that A and B were a firm to whom credit was given, and that when A and B failed, it appeared that C, who had never appeared in the concern, was also liable to the extent of £10,000 of which the creditor had known nothing; surely that would be to the advantage rather than otherwise of the creditors, who thus obtained a better security than they

had expected. The principle of limited liability having been once established, this certainly was a most harmless method of carrying it into effect. He looked upon the clause which legalized the payment of clerks according to profits as most valuable. It had been said that this could be done now. Mr. Hering had informed the Committee that such was his opinion; but a great authority, the Member for Wallingford (Mr. Malins), held a different opinion. It seemed therefore advisable that this doubt should be set at rest. For these reasons he supported the Bill.

MR. GOSCHEN held that the law, as it stood at present, was defective to this extent—that it hampered the legitimate freedom of contract between man and man. He was of opinion that that freedom should be permitted to the fullest extent, and that when a contract was not against public policy it ought not to be interfered with. The opponents of the Bill were, therefore, bound to show that it would be dangerous to trade and credit, and likely to tend to fraudulent insolvency. If that could be proved, then he admitted that no argument as to the desirability of the objects of the Bill in other respects would avail. The hon. Member for Buckingham (Mr. Hubbard) was very fond of laying down the principle that a participation in the profits of a business ought to imply a corresponding participation in the losses. That principle was, no doubt, a sound one; but it was not impugned by the Bill, under which the liability to loss would be equal to the chances of gain. Capital, loss, and gain, would be limited in the same proportions. Practically, in all cases, there was a limit both to capital and liability. A man was liable only to the amount of that which he possessed; and when the responsibility of a capitalist was confined to the amount which he publicly stated he had advanced to a certain firm, he did not see that the creditors had any right to complain. Suppose there was one firm of two persons, each of whom put £5,000, his whole fortune, into the business; and another firm, also of two persons, one of whom invested his whole means, £5,000, and the other only half his means, being also £5,000. In each of these cases the creditors would give credit on £10,000; but while in the second case they would know that one partner had provided £5,000, they would not know at all in the other how much either had invested. It could not be said that this Bill would

help to mislead creditors; and, besides, creditors were not always so innocent and credulous as the hon. Gentleman seemed to think. A young firm would be most likely to apply, in the first instance, for assistance to one of the great discounting houses, who could easily learn, by a reference to the register, how much capital had been advanced to them. The effect of the register would be to produce much more certain knowledge and much less vague guessing as to the resources of customers than was now the case. It was all very well for a wealthy and influential firm to say, "We will take our stand on our whole capital—we do not shrink from the most unlimited liability." But the House of Commons ought not to look at the question from the capitalists point of view only—the smaller capitalists and traders ought also to be considered in the matter. He denied that the Bill would lead to a greater number of fraudulent bankruptcies—on the contrary, he thought it would rather tend to prevent them; and he did not see that any one would be tempted to speculate more rashly and recklessly because he had been assisted by an advance of capital. It had been said that the very precautions taken in the Bill were a proof that the promoters themselves apprehended fraud. These provisions were, however, intended to define the responsibility, and were more in the nature of a land-mark than a fence. The principle of liability to loss going hand in hand with participation in profits was not impugned by the Bill, for the capitalist would still be responsible to the extent of the sum advanced, which would, in turn, be the measure of his share of profit. The object of the Bill was not to give the means of obtaining credit, but of deserving it. It was impossible to conduct any mercantile business without involuntarily taking and giving credit for longer or shorter periods at every moment, and it was very desirable that young firms should; and it was for this reason, and not in order to be able actually to borrow money, that young firms required credit. Such credit they could get by the support of a limited partner. At present, the law forbade a man to do what he liked with his own. One could not take a partial interest in an enterprise which one approved without risking one's whole fortune. He supported the Bill on the ground that there ought to be as full and perfect freedom of contract as was consist-

ent with the interests of commerce and morality.

MR. VANCE said, it was enough to prove that there was no necessity for the Bill, and he believed that the Bill was absolutely and entirely unnecessary at the present moment. He thought the existing Limited Liability Act was sufficient for the purpose of the commerce of the country. He did not think that principle ought to be extended to private partnerships, because there was ample capital ready to be employed in all legitimate undertakings in private partnerships. In the case of a limited liability company, the word "limited" warned the creditors of the state of affairs; but under this Bill they would be able to ascertain the condition of a firm only by searching the register. He denied that private partnerships were merely contracts between man and man. There were third parties who were interested, and they were the creditors. The system of limited liability in other countries provided certain checks which were wanting in this measure; and as there was no necessity or demand for it, he should vote against it.

MR. W. E. FORSTER said, that the hon. Member who had just spoken seemed to misapprehend the character of the Bill. It was not a Bill for the purpose of increasing or finding capital for any particular species of business, but a measure to remove the unnecessary interference which by law now existed between the buyer and the seller. He could not see why a person should not be allowed to make a bargain with a firm which consisted of partners with limited and unlimited liability, when he knew the position in which it stood; nor did he see why a man should not advance money to a firm without risking his whole capital. It was not their duty to secure the capitalist by law—the capitalist must secure himself. Nor was it their business to protect the creditors—all that they were bound to do was to take care that the creditors had the opportunity of ascertaining the position of the firm; the law neither could nor ought to save them from the consequences of their negligence if they did not choose to make proper inquiries. All he had to do was to look into the register; and if he found that so much capital was engaged in the concern, it was for him then to say whether he would lend his money or not. Such a register would be very generally useful, for by its means information would be fur-

nished to men in business which was now often beyond their reach.

Mr. T. BARING said, he wondered whether the promoters of the Bill really thought that it could or ought to be passed in the present Session. This was not a Bill which, if it became law, would be a dead letter, and it ought not to be considered in a House of not more than twenty or thirty Members, and in the absence of all the legal authorities of the country, as was the case at that moment. Such a Bill as this ought not to be submitted to them by a private Member, just as he would a Turnpike Bill or any measure of that kind. If such a Bill were necessary, it ought to have been introduced by the President of the Board of Trade on the authority of the Government. So far from that having been the case, the right hon. Gentleman the President of the Board of Trade opposed, on the second reading, many of the provisions of the Bill. It was true that since then the Bill had been referred to a Select Committee; but he was in a position to state that no two members of that Committee were agreed as to what was the present state of the law upon the subject, or what the effect of the Bill would be. There were two eminent members of the legal profession on the Committee, who differed as to whether the 14th clause was necessary at all. Under those circumstances, ought they now to proceed with this measure, when none of the Law Officers, and not a single member of the legal profession, was in the House. The principle of this Bill was this—that a person might register the amount of money that was placed in a firm, but there was to be no register or limit of the engagements into which such firm should enter. There would be nothing to show whether the money had been lost, or whether any portion of the profits had been left in the concern. It was proposed in the Select Committee that a provision should be introduced, that the word “registered” should be used by all firms taking advantage of this Bill; but that would not suit the promoters of the measure, and so the proposition was rejected. This Bill struck at the principle upon which British commerce had always been conducted—that where a man received any portion of the profits of any trading concern, he should also bear his share of the losses that might be incurred. That principle supplied a proper stimulus to caution; but the present measure would destroy all such stimulus. Con-

sidering the state of the Session, he put it to the hon. Member for Birmingham (Mr. Scholefield), whether it would not be better, in the interest of those who were promoting this measure, to withdraw the Bill for the present Session; and he would ask the Government whether they could support the suggestion for going into Committee on this Bill when there was not a single Law Officer of the Government present?

Mr. WEGUELIN said, that if a capitalist had the means of knowing with whom he was dealing—which was what the present Bill proposed to afford him—it could not be said to be a Bill for the encouragement of fraudulent trading. He maintained that there was a great public advantage to be gained by this Bill. Its effect would be to make the trade of the country depend, not upon credit, but upon responsible capital. This was an important public consideration. Every one knew upon what flimsy and specious pretences credit could now be obtained. In the case of the Western Bank of Scotland it was proved that they had given credit to one firm with unlimited liability, which had drawn bills on thirty-seven men of straw in London. That was the way in which business was carried on under the present law; but if this Bill was passed, the capitalist would have the means of knowing with whom he was dealing; and if he misplaced his money, it was his own fault. There was plenty of money to carry on trade, but it was in the wrong hands; it was in the hands, not of those who carried on trade, but of great capitalists and bankers, who were not responsible at all. Upon some flimsy pretence a man might raise £100,000, and thereby unduly extend his credit; but if a capitalist were allowed to pay into a firm some £20,000 or £30,000, the credit attached to that firm would be in proportion to the loan capital, and to the talent and character of those engaged in the business. In fact, limited liability was a restriction upon credit, the undue extension and abuse of which was one of the main causes of all those calamitous crises which had afflicted our trade and commerce in recent years.

Mr. MILNER GIBSON said, the Government introduced a Bill in the year 1855 for the purpose of amending the law of partnership, but it was not received favourably by the House. He apprehended, that if he were to introduce a similar measure now, he should not get much sup-

port from the hon. Member for Huntingdon (Mr. T. Baring). He (Mr. Milner Gibson) had heard no reason for the House not going into the consideration of the clauses of the present Bill. The House had read the Bill a second time; at that time the hon. Member for Birmingham was told to take his Bill to a Select Committee. It had been considered by a Select Committee, and now the House was asked to decline to consider the clauses, and upon that stage the hon. Member for Buckingham took the extraordinary course of raising a general debate upon the principle of the measure. The hon. Member ought to have done that on the second reading; and he (Mr. Milner Gibson) protested against this most harsh and unusual mode of defeating a measure. He admitted that the clauses were still susceptible of improvement. The argument of the hon. Member for Buckingham was, that a trader ought not to be allowed to trade on borrowed capital, as would be provided by this Bill, without the lender being liable to the full extent of his means for the debts of the concern. Why, under the present law a person could very nearly do all that the hon. Member for Buckingham objected to. The hon. Member wanted, in fact, to alter the whole law of partnership in a restrictive sense. He (Mr. Milner Gibson) thought the House ought to proceed to the consideration of the clauses.

Mr. BAZLEY thought the effect of this Bill would be to protect private individuals at the expense of the general public, and therefore he should support the Motion of the hon. Member for Buckingham. The vast structure of English commerce had been raised on the principle of individual responsibility, and he trusted the House would not sanction any departure from that doctrine. The Committee would exercise a sound discretion in deferring the consideration of this measure; and he hoped the hon. Member for Birmingham would withdraw it.

Mr. LINDSAY said, the principle of the Bill was precisely the same as the principle of the existing Act, with this exception, that under the existing Act there must be seven persons in a limited liability company. If seven, why not two, as proposed by this Bill? The principle in both cases was precisely the same. Hon. Members were fond of talking about the public interests being affected by this Bill, but they never said how the public interests were to suffer by it. In point of

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fact, the Bill would protect the public as far as the public could be protected in such a matter. The hon. Member for Huntingdon (Mr. T. Baring) of course opposed the measure, because he invariably opposed any measure of progress. The great object of this Bill was to draw nearer and nearer talent and capital. At present capital was kept apart from talent, and so hundreds of men of the stamp of the Stephensons, who had power to benefit this country, passed away unknown.

Mr. STANILAND said, that there would be something in the argument of the hon. Member for Buckingham if it could be shown that under the existing law there was no reckless or rash speculation; but the fact was, that in nineteen out of twenty instances, where people failed during preceding monetary crises in this country, they were persons who traded recklessly on borrowed capital. How could the position of the capitalist be worse because he knew the amount of capital in the firm with which he transacted business? It seemed to him that this was a question between those who possessed colossal capitals and those who were in an inferior position. He should support the Bill.

Colonel DICKSON said, he should oppose the Bill, though he was a warm advocate of limited liability. The hon. Member for Sunderland (Mr. Lindsay) said, that this Bill would have the effect of bringing talent and capital together, but there were two descriptions of talent which might be employed in cases of this kind. One of them was applied to the carrying-on of legitimate and honest trade, and the other was used in ensnaring innocent persons into investing their money in swindling undertakings, which ended in their ruin. This Bill, he believed, was likely to encourage speculators of the very worst kind, and for that reason he would give it his opposition.

Question put, "That the Chairman do now leave the Chair."

The Committee *divided*:—Ayes 40; Noes 70: Majority 30.

Clauses 1 to 8, inclusive, *agreed to*.

Clause 9 (The Firm of a Limited Partnership shall not include the name of any Limited Partner, or else Limited Partner to become General Partner.)

Mr. GOSCHEN said, that the terms of this clause would limit the operation of the measure in an undesirable manner. Great importance was attached by mercantile

houses to the preservation of the historical names of the firm, even after the individual bearers of those names had retired or passed away. But under the terms of this clause that could not be done if a retiring partner, who had given his name to the firm, had a son of the same Christian name as his own also in the firm, and if such retiring partner wished to leave a certain portion of his capital in the business. To remove that anomaly, the hon. Member therefore moved a verbal Amendment in the clause.

Amendment proposed, in line 18, after "registered," leave out to the end of Clause.—(*Mr. Goschen.*)

MR. MURRAY thought the difficulty might be overcome by the use of the words "senior" and "junior" where the names of the father and son were identical.

MR. THOMSON HANKEY said, that that suggestion would not meet the necessities of the case. If he were to retire from the firm to which he belonged, he would be precluded by this clause from leaving a portion of his capital with it as a limited partner, merely because he bore the same name as his father, whose name was still continued by the firm.

MR. ALDERMAN SALOMONS objected to the Amendment of the hon. Member for London (*Mr. Goschen*), which he believed would damage the Bill exceedingly.

MR. HUBBARD also opposed the Amendment. This Bill had been recommended to them on the plea that everything under it was to be excessively frank, transparent, and straightforward. Yet now the hon. Member for London proposed that firms should be carried on under limited liability with names which had no real connection with them.

MR. CRAWFORD said, he was in favour of the Amendment.

MR. C. TURNER thought the use of obsolete or fictitious names should not be permitted in the case of partnerships with limited liability.

SIR STAFFORD NORTHCOTE understood the object of the clause to be to prevent the style of a firm from including the name of a limited partner "or any name identical therewith." He would suggest that the difficulty might be obviated by requiring that where the names were identical there should be some additional words of description as to residence, avocation, or the like, so as to distinguish the limited partner from the general partner.

MR. GOSCHEN was disposed to think

his Amendment went too far. The best way, perhaps, was to negative the clause now, and have it brought up in a different shape in the Report.

MR. W. E. FORSTER thought the object should be so to frame the clause as to prevent fraud by an unlimited partner changing himself into a limited partner without its being publicly known.

MR. C. TURNER observed, that a fictitious credit was often given to limited partnerships by their agents abroad, who were in the habit of drawing upon them without distinguishing them as limited. The law did not make that punishable.

MR. ALDERMAN SALOMONS thought this a matter of most momentous character. The distinction between the general and limited partners must be preserved. The name of the unlimited partner appeared; and if he contracted debts, he was liable to the whole extent of his fortune. The names of the limited partners did not appear, and they were not the parties to whom credit was given. Their liability was therefore limited.

MR. SCHOLEFIELD suggested that the Amendment should be withdrawn and brought up again on the Report.

MR. C. TURNER thought the proper course would be to postpone the clause.

THE CHAIRMAN said, as the clause had been already amended, it could not be postponed.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 10, 11, and 12 agreed to.

Clause 13 (General Partners only to be made bankrupt).

MR. MILNER GIBSON observed, that there was a defect in the Bill which ought to be remedied. The hon. Member for Birmingham (*Mr. Scholefield*) had defined the rights and liabilities of a limited partner in case of the bankruptcy of the general partner, but not in any other case. It was very important that the rights and liabilities of limited partners should be clearly defined. Had they any power of interference? Could they call for the inspection of accounts? Could they take an active part in the making of contracts or managing the business? The term was at present unknown to the law; and the point was the more important, because, by a recent decision of the House of Lords, a person might lend money to a trading concern and receive interest varying with the profits, without being constituted a partner.

They might raise a doubt as to that by this Bill, unless they clearly defined the rights and liabilities of limited partners.

MR. ALDERMAN SALOMONS thought the Committee upstairs had directed their attention to that point. On the Continent the name of no limited partner appeared in the partnership. All parties whose names appeared were *solidaires*—that is, they were liable to the whole amount of their property. The limited partners could not ostensibly carry on the business. If they did advise, or take any such responsibility, they would become unlimited partners.

MR. CAVE said, that the Committee had carefully considered the point, which had been brought before them more than once by the President of the Board of Trade. The Committee had come to the conclusion that there was so much doubt about the length to which the decision of the House of Lords went that it would be dangerous to rely upon it.

MR. T. BARING believed that no one in the Committee knew exactly what the law was.

MR. POTTER thought the impression in the Committee was that a person lending £5,000 to a concern as a limited partner might take any share in the conduct of the business, or do just as he pleased, only his liability as a partner was restricted to £5,000.

Clause agreed to.

Clauses 14 and 15 agreed to.

Clause 16 struck out.

Remaining Clauses agreed to.

New Clause (Recovery of Penalties) agreed to.

MR. CHILDERS wished to know what would be the effect of the Bill upon firms trading in England and the British possessions. The passing of the Limited Liability Act had led to great inconveniences. Partnerships had been formed in London whose business was conducted in some of Her Majesty's possessions abroad, and doubts had arisen as to whether the law of limited liability extended to those firms abroad, and he believed a circular had been sent to the Governors of British possessions acquainting them with these doubts, and giving them permission to invite the Colonial Legislatures to pass some measures upon the subject.

THE SOLICITOR GENERAL said, it was not easy to deal with abstract cases, but he did not see how, without some

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action by the Colonial Legislatures, the case suggested could be met. If the firm were an English firm, its dealings in any part of the world would be governed by English law.

House resumed.

Bill reported; as amended, to be considered on Monday next, and to be printed. [Bill 242.]

# ANCHORS AND CHAIN CABLES BILL.

[BILL 95.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1 (The Board of Trade may grant Licences for proving Anchors and Chain Cables, and may suspend or revoke Licences).

MR. CAVE proposed an Amendment, the object of which was to enable the manufacturers who now possessed testing machines to make use of them under the Bill. The certificate of many of these manufacturers was a better guarantee than a public test, which in most cases only proved that the welds were properly fastened, while many chains of inferior iron were enabled to bear the strain test by being strengthened by inordinately large stay pins. The Admiralty always guarded against that by regulating the size of links and stay pins, and by careful examination. This was shown by Mr. Clark's evidence before the Committee of 1860, and in page 146 of the Appendix to the Report. First-rate manufacturers now did the same; but if their power of testing was taken away, although the sale of inferior articles would be prevented, yet there would be a risk of bringing the work of superior manufacturers down to the lowest authorized level, just as the Building Act has done with respect to the walls of houses. Besides, public machines would be all of the highest power—that is, capable of testing 2½ inch cables by a strain of 91½ tons, whereas ordinary merchant cables were one inch, requiring a strain of eighteen tons only. Small outports would not be able to support, nor would require, a public machine of full power; in such cases it would be almost necessary to depend upon the machine on the premises of the manufacturer, all that would be requisite being to ensure that the test was faithfully applied. Under the Bill there was a threefold safeguard:—First,

by the Board of Trade being enabled to grant, refuse, and withdraw any licence; next, that the testing machine might be certified by a Government engineer; and thirdly, that every testing might, if necessary, be performed in the presence of a Government inspector. This was a stringent Act, and his object was that it should work as easily as possible. He therefore begged to propose this Amendment, which was absolutely concurrent with the 11th recommendation of the Report of the Committee of 1860. The hon. Gentleman concluded by moving his Amendment.

Amendment proposed, in Clause 1, line 12, after "public bodies or companies," to insert "or private companies or parties."  
—(*Mr. Cave.*)

MR. MILNER GIBSON suggested the substitution of the word "persons."

MR. BENTINCK opposed the Amendment, which would defeat the main object of the Bill. If irresponsible persons were to apply the test, there would be no safety, which could only be attained by requiring the testing to be done under the superintendence of a Government officer.

MR. LINDSAY said, he could not understand how any objection could be raised to the Amendment; but before proceeding further he wished the hon. Member who had charge of the Bill to state to the Committee how he expected it to work. For his own part, he believed the Bill, if passed, would be utterly impracticable; and he could not approve, at this period of the Session, of wasting time upon a Bill which, if passed, must remain a dead letter. The House had been a good deal governed by sentimental views upon this question; but he could state that all large shipowners took every means to test their chains and anchors for their own sakes. There were now seventy or eighty makers of anchors and chain cables in about thirty-five different places, and there were three hundred persons engaged in the sale of those anchors and chains. It appeared to be considered that the testing of anchors and chains was the same as testing guns; but it was not so. A gunmaker selling a weapon which had not been properly tested was liable to a penalty, but not the person who used the gun. But under this Bill not only was there a penalty upon the manufacturer, but also upon the person who bought it, and upon the captain of the vessel which carried it.

MR. LAIRD rose to order. The hon.

Gentleman was discussing the principle, which had already been decided upon.

MR. LINDSAY said, he would confine his remarks to the first clause, which empowered the Board of Trade to grant licences. What power was there to compel anybody to take out a licence?

MR. LAIRD said, there were existing testing machines in many places, and he knew that if this Bill passed, there were many persons who were prepared to take out licences from the Board of Trade. As to the Bill not being workable, he could only say that it had been gone through clause by clause by practical men acquainted with testing machinery. It had been considered by a sub-committee of Lloyd's, who approved not only of the principle, but also of the details; and the Association of Shipowners of London, who had entertained objections to the original measure, were satisfied with the Amendments he proposed, and had withdrawn their opposition to it. With respect to the Amendment, he could not assent to it, and would remind the hon. Gentleman who moved, that although the eminent firm who supplied chains to the Admiralty tested all their work, yet the Government always performed its own test at Woolwich.

MR. MILNER GIBSON said, if the Board of Trade was only to license public companies or corporate bodies, and not private traders, the effect would be to create monopoly.

MR. LAIRD said, he would accept the Amendment if it were so altered as to provide that a manufacturer should not test his own anchors.

MR. LINDSAY said, the Bill would either create a monopoly or it would become a dead letter. Would there be testing machines at all at the thirty-five places where chains and anchors were now manufactured?

MR. J. C. EWART remarked, that if the Bill should pass, chains and anchors could not be sold without being tested.

MR. CAVE, in reply to Mr. Gibson, would not object to alter the wording of the Amendment. In answer to other Members, he stated that he did not mean that private firms should test their own manufactures, but that the testing should be done under Government superintendence.

MR. C. TURNER suggested that the parties to be licensed should not be manufacturers of chain cables.

MR. BENTINCK would not persist in his opposition to the Amendment after the



explanation that had been given. He would, however, observe that this Bill was no attempt to create a monopoly, but to check an abuse.

Amendment amended, and *agreed to*.

MR. C. TURNER proposed to add the words "not being manufacturers of chain cables."

Amendment proposed,

In page 1, line 11, after the words "persons," to insert the words "not being manufacturers of Anchors or Chain Cables."—(*Mr. Turner.*)

MR. CAVE could not agree to the addition proposed. The object of his Amendment had been to enable manufacturers having testing machines upon their premises to avail themselves of those machines, instead of compelling them to lose the benefit of the outlay incurred in the erection of the machines.

MR. C. TURNER could not see that a manufacturer's certificate of the goodness of his own work would be worth much.

MR. LINDSAY agreed with the hon. Gentleman, and said that that was a single instance of how impossible it would be to make the Bill work. Was it intended to have a Government officer present at each manufactory? The result of the measure, if it passed, would be, that the public would get as bad chains as at present, but with a deceptive guarantee. He suspected that shipowners wanted to get some other advantage from this Bill. If they could get their equipment certified by the Board of Trade, and anything happened to their ships, they could reply to any objection of the insurance companies, on the ground of insufficient equipment, that they possessed a certificate from the Board of Trade. In short, it was sought to shift responsibility from the shipowners, and that was one chief reason why they supported the Bill.

MR. LIDDELL said, if there were any apprehensions upon that ground, a clause might easily be introduced, providing that no responsibility at present cast upon the shipowner by law should be diminished in consequence of the passing of this Bill.

MR. R. HODGSON, on behalf of the shipowners, protested against the statement of the hon. Member for Sunderland (Mr. Lindsay). They did not support the Bill from any desire to escape the responsibility which at present rested upon them. He believed that their only motive was to make their ships and the

lives of those who ventured in them as safe as possible. But he was of opinion that some better means than that in the Bill should be provided for securing testing machinery and testers throughout the country.

MR. T. BARING also denied that this was a Bill put forward in the interest of the shiowners. Its object was the preservation of life and property.

MR. HORSEFALL denied that the Bill would relieve shipowners from responsibility. Every shipowner had a certificate of much greater value than that now proposed—namely, a certificate from the Board of Trade that his ships had qualified masters and mates. Yet his responsibility was not thereby diminished.

MR. LINDSAY said, that the regulation referred to by the hon. Gentleman did release shipowners from some responsibility, because now in case of loss of life or property no one could declare that the ship had not a competent master. So it would be with these anchors and chain cables. He did not mean to cast any reflection on the shipowners as a body, but thought it far better to leave the responsibility with individuals than attempt to legislate on such a subject.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 60; Noes 30: Majority 30:—Words *added*.

MR. MILNER GIBSON asked, whether no person who had ever manufactured chain cables or anchors was to be entitled to the testing licence.

MR. C. TURNER said, the meaning of the words was obvious—that no persons being manufacturers at the time could hold a licence.

MR. LAIRD said, the object was to prevent any person from testing his own anchors.

MR. MILNER GIBSON pointed out that by preventing manufacturers from doing this you, in fact, rendered worthless the capital they had invested in testing machines.

MR. C. TURNER thought it very undesirable that a manufacturer should be allowed to test either his own or his friend's chains or anchors. In many cases, no doubt, the test would be honestly applied; but if this were permitted, public confidence in the result would be destroyed. To be of any value the certificate must be given by independent parties, in whom the public could feel confidence.

MR. LINDSAY concurred in thinking that the certificate should be given by an independent authority; but this decision of the Committee suggested with renewed force the question, what guarantee existed that any such authority would set up the testing machinery; and if not, the whole Bill would be as waste paper.

Clause, as amended, *agreed to*.

Clause 2 (Testor to test all Anchors and Cables in proper order, and impress the same with authorized Proof Mark)

MR. LINDSAY inquired who was to be the tester.

MR. LAIRD said, it was proposed to license the present independent testing establishments, if the Board of Trade thought them competent, and the responsibility of testing these articles would be thrown upon them, Inspectors visiting those establishments occasionally to see that the machinery was in good order.

Clause *agreed to*.

House resumed.

Committee report Progress; to sit again *To-morrow*.

House adjourned at five minutes  
before Six o'clock.

## HOUSE OF LORDS,

Thursday, July 16, 1863.

MINUTES.]—*Sat First in Parliament*—The Lord Seymour (commonly called Earl Saint Maur), being called up to the House of Lords in his Father's Barony of Seymour.

PUBLIC BILLS—*First Reading*—India Stock \* (No. 223).

*Second Reading*—Alterations in Judges Circuits [H.L.] (No. 212); Fisheries (Ireland) (No. 211); Greenwich Hospital (Provision for Widows) (No. 207); Metropolitan Main Drainage Extension (No. 208); Misappropriation by Servants \* (No. 204).

*Select Committee—Report*—Pier and Harbour Orders Confirmation \* (No. 220).

*Committee—Savings Banks Acts Amendment* \* (No. 183 and 221); Stipendiary Magistrates \* (No. 196 and 222); Growing Crops Seizure (Ireland) \* (No. 209); Land Drainage (Provisional Orders) \* (No. 160); Port Erin Harbour (Isle of Man) \* (No. 169); Colonial Acts Confirmation [H.L.] \* (No. 213)

*Report—Removal of Irish Poor* \* (No. 218); Growing Crops Seizure (Ireland); \* Land Drainage (Provisional Orders); \* Marriages Registration (Ireland) \* (No. 219).

*Third Reading*—Metropolis Turnpike Roads Act Amendment \* (No. 145), and *passed*.

## ALTERATIONS IN JUDGES CIRCUITS BILL—(No. 112.)

### SECOND READING.

THE LORD CHANCELLOR, on moving the second reading of this Bill, explained that its object was to confer upon Her Majesty additional powers with reference to the alteration of circuits, and that it was rendered necessary by the provisions of the law as to the appointment of revising barristers. He did not at present think it desirable to enter into an explanation of the changes which it was intended to make in the circuits; but he trusted that the arrangement would be satisfactory, and would come into operation at the next Spring Assizes.

*Moved*, That the Bill be now read 2<sup>a</sup>.—*(The Lord Chancellor.)*

LORD BROUGHAM expressed his entire approval of the Bill.

THE EARL OF POWIS asked whether the Bill would empower the Sovereign to abolish the holding of assizes in places in which they were now held.

THE LORD CHANCELLOR said, that the power referred to by the noble Earl was not given in this Bill, because it already existed under the 3 & 4 Will. IV., c. 71.

*Motion agreed to*: Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House *to-morrow*.

## FISHERIES (IRELAND) BILL—(No. 211.)

### SECOND READING.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY, in moving that the Bill be now read a second time, stated that its object was to assimilate the law relating to salmon fisheries in Ireland as nearly as possible to that which prevailed in England and Scotland, and which, although only recently introduced, had already been productive of advantage. He had the more hope that their Lordships would sanction the measure because the Acts relating to the two last-named countries had been found to reconcile two classes of persons whose interests had been previously antagonistic, the upper and the lower proprietors of fisheries, who now found it their interest to co-operate in the preservation of the breed of salmon. In Ireland, up to the year 1842, there had been continual disputes arising from the uncertainty of the law in regard to the erection of fixed engines; but in that year

their use was, by a Bill introduced by a noble Lord who was now a Member of that House (Earl St. Germans), under certain regulations, made legal. He much regretted that had been done, for it had contributed much to the injury of the salmon fisheries, and had produced a bad state of things in the country; but, at the same time, he must say that the Act was guarded by such restrictions and regulations as, if properly enforced, would have prevented much of the evil effects to which he had referred. The main provisions of the present Bill were that no bag net, or fixed engine, should be placed or allowed to continue in any river or estuary, or otherwise than in the open sea at the distance of more than three statute miles from the mouth, reserving, however, certain rights to the owners of any fixed engines erected before the close of the season of 1862. The power of deciding questions that might arise was intrusted to special Commissioners to be appointed under the Act. The Commissioners were also empowered to inquire into the legality of all fishing weirs. Provision was also made for abating any fishing weir illegally erected. Provisions similar to those of the English Act were made for enforcing and regulating the construction of free gaps, and for regulating the construction of boxes and cribs in fishing-weirs. An appeal was given from the decision of the Commissioners to the Court of Queen's Bench in Ireland. There were also certain miscellaneous provisions, one of which regulated the fishing with nets near mill-dams. There were also important alterations with reference to the annual and weekly close time. The annual close season was extended from 124 days as was provided by the Act of 1842, to 168 days—which was the same as the law enforced in Scotland. The weekly close time was to be from six o'clock on Saturday evening to six o'clock on Monday morning, with this addition, that as regards stake nets fly nets and bag nets, the weekly close time was to be from six o'clock on Saturday morning to six o'clock on Monday morning. The close season for angling with rod and line was to be from the 1st of November to the 1st of February, but was to be permitted during the remainder of the year. Additional licence duties were put on fixed engines. The Bill also provided for the appointment and salaries of Commissioners and the necessary officers, and there were also provisions for penalties for the infringement of the several enactments. These were the principal provisions of the Bill,

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which he trusted would be accepted by their Lordships, and would prove as beneficial to Ireland, as the analogous Acts had proved to the fisheries of the sister kingdoms.

*Moved*, That the Bill be now read 2<sup>a</sup>.—  
(*Lord Stanley of Alderley*)

LORD CHELMSFORD said, he had not the slightest personal interest in the question to which the Bill related, and had no connections who were; but having been requested by parties who had an interest in it to present a Petition against certain provisions of the measure, he had deemed it to be his duty to consider them carefully, and that, having done so, he had come to the conclusion that they would operate as an unjustifiable invasion of private rights. The noble Lord (Lord Stanley of Alderley), he might add, was under some misapprehension in attributing the origin of the rights which were to be taken away to the Act of 1842. Prior to that Act rights of fishing existed, founded either on prescriptive title or on grants from the Crown, by means of standing weirs, stake nets, and bag nets;—though it was true that bag nets had not been introduced into the Irish fisheries until early in the present century. The noble Lord had stated that the right to use these means of fishing originated in the legislation of 1842. The noble Lord was certainly mistaken. The 18th section of the Act of 1842 was a clause declaratory of existing rights, and the 19th section proceeded to create new rights. With regard to the legislation now proposed, at an early part of the Session a Bill was introduced by a private Member (Mr. M'Mahon), and the Government then declared their determination to protect existing rights. That Bill, however, was dropped by the Member who introduced it, and the present Bill was taken up by the Government, though it was then in a very different shape. This Bill was discussed at several morning sittings in very thin Houses, and clauses which would seriously encroach on private rights were forced upon the Government. One clause provided that bag nets should not be used within three miles from the mouth of any river or estuary, and he was told that the effect would be to annihilate bag net fishing in Ireland. Another clause declared it unlawful to use stake nets where they were not in use on the 1st of January 1863; so that the owners of fisheries who had been using bag nets could not revert to the use of stake nets.

Another clause provided that the close season for all stake nets should commence at six o'clock on Friday morning and end at six o'clock on Monday morning; and as stake net fishing could only be carried on at low water, the result would virtually be to take away four days out of the seven, while the cost of the licence was raised from £15 to £30. By another clause it was proposed to give power to the Commissioners to open weirs at their pleasure without making the slightest compensation, and he believed the consequence would be that many fisheries would be entirely destroyed, and the owners deprived of very valuable property. The noble and learned Lord cited the instance of a lady who held a grant of a fishery for a thousand years from the year 1798, for which she paid a rent of £1,000 a year. She derived a considerable income from the lease of this fishery; but as the fishery would be rendered valueless by this Act, yet no compensation would be granted, the unfortunate grantee would be reduced from a condition of affluence to poverty.

THE EARL OF DONOUGHMORE said, that the noble and learned Lord was in error when he spoke of the right to use fixed engines as an immemorial right. By the ancient law of this country the fishing in rivers belonged to the owners of the land on each side, but the fishing in tidal waters belonged to the public. These stake nets were but of late origin in Ireland, having been erected there about the beginning of the century in direct defiance of the law, and had afterwards been made legal by Act of Parliament. Now, of this there could be no doubt—that what Parliament had given Parliament could take away. His noble and learned Friend wished to introduce into the Bill a clause which was to be found in the English and Scotch Salmon Fisheries Acts. He ventured, however, to say that those whose views his noble and learned Friend had so ably expressed would not be willing to have the English Act extended to Ireland. Let the House extend that Act to Ireland and he should willingly give up this measure. He believed that by immensely increasing the produce of salmon, the provision for the opening of free gaps in stone weirs would benefit the lower proprietors as well as the upper proprietors. He hoped their Lordships would pass this measure very much as it stood. The Bill was a com-

promise, and any important alteration might have the effect of defeating it altogether; and as it had been discussed for several days in the House of Commons, he hoped their Lordships would pass it in its present form. At the same time, he gave notice, that if this compromise should not succeed, he should come to their Lordships in a future Session for an extension to Ireland of the Act now in force in England.

THE DUKE OF DEVONSHIRE said, his tenants represented that the opening of a free gap in the weir on his property in Ireland would render the salmon fishery in the neighbourhood of that weir entirely valueless. This opinion might be exaggerated, and he should not ask for any alteration in the clause respecting those gaps unless an alteration should be made in favour of the owners of stake nets. But if the claims of the latter were to be considered, he thought the owners of stone weirs would be entitled to ask the House to do something for them.

LORD CRANWORTH said, that the noble Earl (the Earl of Donoughmore) had said that this Bill was a compromise, and that any important alteration would prevent the Bill passing in another place. Now, he (Lord Cranworth) thought there were strong reasons why their Lordships should pause before they even agreed to the second reading. He wished strongly to draw their Lordships' attention to the fact, that the Bill in its present shape proposed to enact that valuable property of a number of persons, which property had been expressly sanctioned by an Act of Parliament passed in 1842, should be confiscated. When the measure was introduced, it was said, or rather insinuated, that there were no such thing as ancient fishing rights in Ireland; but, in the course of a case which had recently been before their Lordships upon appeal, it appeared that the City of Limerick held a right of fishing in the Shannon under a charter from one of our early kings—he believed King John. Such right had been established in the Irish Courts, and no doubt would be confirmed by their Lordships. There was therefore no doubt that there were from very ancient times perfectly lawful rights of fishing in the hands of persons in Ireland. The Act of 1842 began by reciting that doubts existed as to the right to use stake nets, and went on to declare and enact that it was lawful for any person entitled to a several fishery to affix

stake nets, bag nets, &c. The effect of this was that the law had theretofore been in favour of allowing the use of such nets. Notwithstanding this, however, it was now proposed to enact that it should not be lawful for any person to use bag nets, and further that there should be penalties for so doing. He had no personal interest in this matter, but he had had his attention called to the above facts by a pamphlet which had been sent to him, and which was entitled, *An Appeal to the Justice of the House of Lords*, and he trusted that the Bill would not pass without some saving clause being inserted.

VISCOUNT LIFFORD said, he knew the case of the owner of some rights of fishing, which had been rendered almost worthless, in consequence of the large number of bag nets which had been used since 1842. But the fact was, that when an attempt was made to do away with an abuse, a claim was set up of vested rights. The truth was, that under the present law three parties were robbed. The proprietors of upper waters were robbed by those who had rights of fishing near the mouths; the rivers were seriously damaged, and the anglers were deprived of what was to them a source of great pleasure. Beyond this there was the fact that the people of London and other towns did not get that food which was intended for them. If this system were carried much further, the very proprietors of fishing rights would themselves be the greatest sufferers. He trusted that for the sake of common justice their Lordships would read the Bill a second time.

THE EARL OF MALMESBURY thought that it was the duty of their Lordships to pay the greatest attention to the principles embodied in this Bill; especially as there was the best authority for saying that the English Act, which had been so recently passed, already required alteration. He trusted, that when the Bill was in Committee, their Lordships would consent to insert clauses preserving to the proprietors their ancient rights of fishing. At a future stage he should propose the insertion of some Amendments.

THE MARQUESS OF CLARICARDE said, this Bill had been described as a compromise; and so far as regarded the proprietors of the upper and lower banks of rivers it might be so. But it should be remembered that the rights of both these parties would soon come to an end by the total destruction of the salmon, unless some means were taken to prevent it.

*Lord Cranworth*

Motion agreed to: Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on *Monday* next.

#### GREENWICH HOSPITAL (PROVISION FOR WIDOWS) BILL.

(NO. 207.) SECOND READING.

*Moved*, That the Bill be now read 2<sup>a</sup>: (*The Duke of Somerset.*)

VISCOUNT STRATFORD DE REDCLIFFE said, that as this Bill affected the interests of one of the noblest institutions of the country, he should be sorry for it to pass without some expression of sympathy for those who were intended to be benefited by it. If there was one institution which, during the last century and a half, had done more honour to this country than another, it was Greenwich Hospital. But a painful impression had recently prevailed that the interests of the pensioners of Greenwich Hospital had been greatly neglected, and that the administration of the Hospital was capable of great improvement. The revenues of Greenwich Hospital amounted to a very considerable sum; but the expenses were enormous, amounting to £47,000 or £48,000, being nearly one-third of the income. The Hospital was originally designed exclusively for seamen and their families, but a great portion of its revenues had been absorbed by the officers, of whom a disproportionate number had been maintained in the establishment.

THE DUKE OF SOMERSET said, he did not think that this was a convenient occasion on which to discuss the general question of the management of Greenwich Hospital. He reminded their Lordships that after the Commission of 1859 presented its Report he introduced a measure, to which so many objections were raised that he was compelled to withdraw it.

Motion agreed to: Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House *To-morrow*.

#### METROPOLITAN MAIN DRAINAGE EXTENSION BILL—(No. 208.)

SECOND READING.

*Moved*, That the Bill be now read 2<sup>a</sup>: (*The Lord President.*)

EARL FORTESCUE expressed his distrust of the works which were being carried out by the Metropolitan Board of Works for the drainage of London, as being enormously expensive and likely to prove entirely in-

efficient. He objected both to the pollution of the river, and to the dilution of the sewage by its mixture with the rainfall, which would render it unfit for agricultural purposes. The Metropolitan Board of Works were not a municipality, and therefore ought not to assume the character and functions of one.

Motion *agreed to* : Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

House adjourned at Eight o'clock,  
till To-morrow, half past  
Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, July 16, 1863.*

MINUTES.]—SUPPLY—considered in Committee  
—R.F.

PUBLIC BILLS—*Resolution in Committee*—New Zealand (Guarantee of Loan) \*.

*Second Reading*—Petty Sessions (Ireland) \* [Bill 235]; Statute Law Revision (*Lords*) [Bill 233].

*Committee*—Companies Clauses [Bill 229], *on re-committal*; Railways Clauses \* [Bill 230], *on re-committal*; Waterworks Clauses \* [Bill 222], *on re-committal*; Turnpike Trusts Arrangements \* [Bill 227]; Turnpike Acts Continuance, &c. [Bill 228]; Poisoned Grain, &c. Prohibition [Bill 223], *on re-committal*; Anchors and Chain Cables [Bill 95].

*Report*—Thames Conservancy, &c. Committee [No. 464]; Companies Clauses; Railways Clauses \*; Waterworks Clauses \*; Turnpike Trusts Arrangements \*; Turnpike Acts Continuance, &c.; Poisoned Grain, &c. Prohibition.

*Considered as amended*—Union Relief Aid Acts Continuance [Bill 236].

*Third Reading*—Fortifications (Provision for Expenses) \* [Bill 213]; Nuisances Removal Act (1865) Amendment \* [Bill 231]; and severally *passed*.

GREAT WESTERN, WEST MIDLAND, AND SOUTH WALES RAILWAY COMPANIES AMALGAMATION BILL (*by Order*).

### LORDS' AMENDMENTS.

Lords Amendments *considered*, and *agreed to*, as far as the Amendment Clause E.

Clause E read 2<sup>a</sup>.

Mr. DARBY GRIFFITH moved that the House do disagree to the new Clause (E), enforcing a revision of tolls whenever the dividend of the united Company's stock shall equal or exceed 6 per cent. The purport of the clause, which had been intro-

duced by the Lords, was, he said, to extend the restrictive effect of the well-known Act, 7 & 8 Vict., c. 85, which provided, that when the dividend of railway companies reached 10 per cent. their tolls should be open to revision. He should be very glad if the Company should be able to make a dividend of 6 per cent; but he opposed the clause as a matter of principle.

Motion made, and Question proposed, "That this House doth disagree with the Lords in the said Amendment."—(*Mr. Darby Griffith.*)

MR. MASSEY said, the clause had been at first opposed by the Companies, but was now acquiesced in by them, and he was desired to assure the House on the part of the united Companies that they did not wish to see the provision disturbed. He thought the other House of Parliament had exercised a very wise discretion in providing for a revision of tolls when the dividend should reach 6 per cent.

Motion, by leave, *withdrawn*.

Amendment *agreed to*.

Subsequent Amendments *agreed to*, with Amendments.

GREAT EASTERN RAILWAY (STEAM-BOATS) BILL [*Lords*] (*by Order*).

[NOT AMENDED.] CONSIDERATION.

Order for Consideration read.

Motion made, and Question proposed, "That the Bill be ordered to be read the third time."

MR. ALGERNON EGERTON said, the question involved in this, and in the North British Railway (Steamboats) Bill, and the Morayshire Railway Bill, was whether railway proprietors should become proprietors of steamboats, and that was a matter which ought rather to be dealt with by a general Act, assented to by the whole House after mature deliberation, than by a Private Bill Committee, and he therefore would suggest that the consideration of the subject be postponed to next Session. Parliament had always shown itself jealous in granting powers of that nature to railway companies. This was a question of public policy; the sea traffic stood upon a totally different footing from inland traffic, and ought to be open to the freest competition. The reason why Parliament gave monopolies to railway companies was that otherwise railways could not be worked without

danger to the lives of passengers. He begged to move that this Bill, as amended, be considered on this day two months.

Mr. WARNER seconded the Motion.

Amendment proposed,

To leave out from the word "be" to the end of the Question, in order to add the words "taken into Consideration upon this day two months,"—  
(*Mr. Algernon Egerton*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

CAPTAIN JERVIS objected to the attempt made by this Motion to defeat Bills which had already successfully passed the ordeal of opposition before Committees of both Houses of Parliament. He opposed the Amendment, moreover, on the ground that there were several instances in which Parliament had given such powers as were now asked to railway companies—for example, in the case of the London and North Western and Chester and Holyhead Companies, and the London, Chatham, and Dover Company. The opposition to the Bill was twofold—first, from the General Steam Navigation Company; and secondly, from the Chairman of the Committee of the House, who was endeavouring to overthrow the decision to which his own Committee had come. Why should the General Steam Navigation Company be allowed to have a monopoly? He hoped the House would not set aside the decision to which the Committee had come.

LORD STANLEY said, as a general rule, the House did well to abide by the decision of their Committees, but this was not a mere question of detail or of evidence, but of general and national importance. The House, however, from time to time asserted its controlling powers over the decisions of its Committees, and, unless he had been misinformed, there were peculiar reasons for doing so in this case; because it was laid down in the Standing Orders, that, as a general rule, railway companies should not have the power of running steamers. If railway companies were allowed to have the powers sought for in the present instance, they would be able to establish a complete monopoly; for a company having 200 miles of railway traffic and twenty miles of sea traffic might choose to work the sea traffic not only without profit, but at an absolute loss, for the purpose of driving away competition; and when once that object was accomplished—

*Mr. Algernon Egerton*

ed, it was not to be supposed that the low fares would be continued. The same arguments as were put forward to justify the present Bill would justify a railway company in engaging in a mining or any other private speculation; and as the question was one on which Parliament should pronounce a deliberate opinion, he thought that the best way of proceeding was to suspend a decision for the present, for the purpose of afterwards referring the subject to a Select Committee, before which evidence could be taken.

MR. WOODD said, that the hon. and gallant Member for Harwich (Captain Jervis) was mistaken in supposing that he, as Chairman of the Committee on the Bill, had anything to do with the present opposition to the measure. At the same time, he thought the question well worthy of the consideration of the House, as up to the present time the principle had always been maintained that railway companies should not have steamboat powers, unless the water passage was in the nature of a ferry. If the House conceded the powers to the Companies in the present instances, they could not refuse like powers to other Companies; and thus the formal decision of the House would be set aside by the decision of its Committee. He regretted that this opposition should have been raised at this stage of the Bill; but, as Chairman of the Select Committee, he thought he should be discharging his duty in opposing the further progress of the measure.

MR. MILNER GIBSON observed, that there were precedents for granting the powers sought for in the present instance; and as the companies had a perfect right to ask for these powers to be given to them, and the Committee had reported that they might be given, he thought they ought to be given, unless it could be shown that some great public mischief would arise from conceding them. In this particular case he thought it would be very unjust to throw the Bill over to another Session. By agreeing to the Bill the House would not sanction or introduce any new principle—they would simply say that that in these cases these powers might be given. As far as he was aware, the Bill scarcely raised the question as between railway companies and steamboat companies. The Great Eastern Railway Company desired to start steamboats from Harwich to Rotterdam, between which places private enterprise had not yet provided steamboat accommodation; and it

would be a great convenience to the agriculturists and inhabitants of the district about Harwich, and in accordance with the Report of the Select Committee, if the present Bill was allowed to pass, establishing that steamboat accommodation, which was not likely to be established otherwise. Formerly there was a great objection to permit railway companies to have steamships, as at that time steam vessels could not be conducted by persons having the advantage of limited liability, which incorporated railway companies enjoyed; but that objection no longer existed, as all companies consisting of a certain number of shareholders could now obtain the power of trading with limited liability.

SIR HUGH CAIRNS said, that if this Bill was passed into law, the House would be prevented at a future time from considering the general principle. Hitherto steamboat powers had never been granted to railway companies save in exceptional cases, where there was what could be deemed a ferry. It was obvious that a railway company could convert such powers into a most unjust monopoly, and drive all other competitors off the line. As to the injustice to the promoters of rejecting these Bills on the third reading, the fact was that such a step could scarcely be taken at an earlier stage. Any opposition on the second reading would at once have been met by the answer that there were exceptional circumstances in the case, which ought to be considered by a Committee. A Standing Order of the House distinctly laid it down that no measure of this kind should be agreed to unless the Committee reported the special facts and reasons which led them to believe it ought to be passed. Now, in the case of the Great Eastern and the two following Bills, the Committee had reported only that in their opinion the Bills ought to be sanctioned, but had stated no facts or reasons in support of that view. He put it to Mr. Speaker whether, under these circumstances, the Standing Orders had been complied with?

Mr. CRAWFORD concurred in the reasons so well stated by the hon. and learned Gentleman why the House should not assent to the third reading of this Bill. It was true that power to run steamboats had already been given to railway companies; but experience in those cases, if it proved anything, showed that the House should carefully avoid granting similar

powers in future. If the Great Eastern Company were to be allowed to run steamboats to Flushing and Antwerp, there was no reason why they should not be permitted to open steam communication with Hamburg; or why the Great Western, which had a station at Falmouth, should not send steamboats to Vigo and Lisbon.

Mr. MASSEY agreed with the noble Lord the Member for Lynn (Lord Stanley) that this Bill involved a question of public policy, and one which should not be determined in a discussion on the merits of a private Bill. If power were granted to enormous and ambitious railway companies to conduct sea traffic, the immediate and ultimate consequence must be that all the independent steam companies would be driven off the ocean. The possession of steamboat powers must be followed by pier and harbour powers, and thus a gigantic monopoly would be erected, against which Parliament, if it wished to retrace its steps in future years, would find it vain to contend. It had been said that it was hard that Harwich should be excluded from the benefits which this Bill would confer; but, on the other hand, if the effect of this measure would be to throw a monopoly into the hands of the Great Eastern Company, and to drive from navigable waters independent steamboat companies, it would be very hard that persons who desired to go to Rotterdam should be obliged to pass through Harwich. The House had also been told that it was hard upon the promoters of this Bill who had been heard before two Committees, and obtained the sanction of both, that they should be defeated at the last stage; but, so far as that House was concerned, he agreed with the hon. and learned Member for Belfast (Sir Hugh Cairns) that it was certainly not to blame. The Bill originated in the other House, where there was no such Standing Order as existed here, and the Great Eastern Company well knew that they were promoting a Bill which was contrary to the policy expressed in the Standing Order of the House of Commons. It was consequently incumbent on them to establish an exceptional case, such as would warrant a Committee in recommending the House to pass the Bill as one not coming within the scope of its Standing Order. But what had the Committee done? Instead of reporting facts, they had only reported their opinion; and the House had no knowledge of those things which it was the intention of the Standing Order



to put them in possession of. The Committee had not stated intelligible and sufficient reasons for their decision, and consequently he thought the promoters were not entitled to complain if the House refused to pass their Bill. In conclusion, he had only to add that in his opinion it was most desirable that the House should consider the general question of permitting railway companies to run steamboats, and should lay down some clear and intelligible principle for the guidance of private Committees.

MR. HENLEY thought it was quite evident that the Standing Order had not been observed in this case. It clearly laid down that powers should not be given to a railway company to run steamboats except upon a special case shown. Now, he had seen the Report of the Committee, and it was in such general terms that nobody could say there were any special grounds assigned at all. The House had not heard a single fact, and it was consequently not in a condition to determine whether the Committee had come to a right conclusion or not. If the President of the Board of Trade thought that the Standing Order ought to be repealed, he should ask the House to repeal it as a matter of general principle, but here he sought to do so by a particular and exceptional case.

MR. COBBOLD said, that it would be a harsh proceeding towards the promoters of the Bill if, on account of some error of the Committee, the House were to reject the Bill at this stage. As the right hon. Gentleman the Member for Oxfordshire wished to know what special reason there was for the Great Eastern Company asking for powers to establish a steamboat communication with the Continent, his answer was that the company could not obtain at Harwich the means of speedy communication with the Continent. The company could not induce steamboat companies to put on boats to run to the Continent from that port.

MR. LOCKE supported the Bill. The journey to Rotterdam could be performed with more facility from Harwich than from London; but the hon. Member for the City would prevent the company from having boats between Harwich and Rotterdam for the performance of the voyage.

MR. MALINS thought it a matter of public policy to have a route of six or seven hours instead of one of twenty-five or twenty-six hours, and hoped that that object would not be defeated on a mere technical

ground, for which the promoters were not responsible.

SIR HERVEY BRUCE, as a Member of the Committee, said, that they had intended to comply with the Standing Order in recommending this Bill to adoption by the House. A precedent for this Bill was to be found in the Bill of the London, Chatham, and Dover Railway Company. That measure was found to contain powers which it ought not to have contained, and they had been struck out; but the House still left in it a power of running steamers from Dover.

MR. HASSARD said, that a Committee of which he was a Member last year had this project of steamboats, in connection with the Great Eastern Railway Company, before them, and had rejected it.

MR. ADAM said, it would be both unjust to the promoters, and would weaken the authority of Committees, if the House refused to pass the Bill.

MR. SPEAKER: As a question on a point of Order has been put to me, I think it my duty to reply to it. If the House will allow me to read the Standing Order which has been referred to, I have a very strong belief that when I have done so there will be very little difference of opinion in the House with regard to its interpretation. The Standing Order is in these terms—

"No railway company shall be authorized to construct, or enlarge, purchase, or take on lease, or otherwise appropriate any dock, pier, harbour, or ferry; or to acquire and use any steam vessels for the conveyance of goods and passengers, or to apply any portion of their capital or revenue to other objects distinct from the undertaking of a railway company, unless the Committee on the Bill report that such a restriction ought not to be enforced, with the reasons and facts on which their opinion is founded."

The public policy of the House is strongly described by the language in the first part of the Standing Order; and it is not to be departed from, except on conditions, which are also specially described. It is impossible for me to say otherwise than that, in my opinion, those conditions in this case have not been fulfilled. Therefore, this Standing Order has not been complied with. It is now for the House to consider in what way substantial justice in their own view can best be accomplished, and in what manner they should deal with these Bills. It is in the power of the House, if they think right, to reject these Bills, or refer them back to the Committee, with an Instruction that they should report the

special facts and evidence on which their recommendation rests.

MR. J. O. GORE said, he would move that the Bill be re-committed.

MR. SPEAKER: There is already a Motion before the House, to which an Amendment has been moved.

COLONEL WILSON PATTEN observed, that as his noble Friend the Member for Lynn (Lord Stanley) and his hon. and learned Friend the Member for Belfast (Sir Hugh Cairns) had already spoken, and could not speak again, he had their authority for stating that they thought the proposition laid down from the Chair was so reasonable—that the Bills should be referred back to the Committee, with an Instruction to state the reasons of their decision—that they were quite ready to acquiesce in it.

MR. A. F. EGERTON said, he would withdraw his Amendment.

Amendment and Motion, by leave, *withdrawn*.

Bill *re-committed* to the former Committee.

*Instruction* to the Committee,

That they do report, in compliance with Standing Order No. 140, the reasons and facts upon which their opinion, that the restriction as to the acquisition and use of Steam Vessels ought not to be enforced, was founded.—(*Mr. Richard Hodgson.*)

Leave given to the Committee to sit and proceed To-morrow, at Twelve of the clock.

NORTH BRITISH RAILWAY (STEAM-BOATS) BILL [*Lords*] (*by Order*).

[NOT AMENDED.] CONSIDERATION.

Order for Consideration read.

MR. R. HODGSON moved that the Bill be re-committed, with an Instruction to the Committee that they should report the reasons and facts.

MR. ADAIR asked, on what ground the hon. Gentleman proposed to re-commit the Bill?

MR. R. HODGSON said, that the ground upon which he proposed his Amendment was, that this Bill was similar in its character to the Bill which the House had already re-committed.

MR. MASSEY remarked, that this Bill stood precisely on the same footing with the Bill which had already been re-committed to the former Committee, and he apprehended, therefore, that the House would agree to the Amendment.

Bill *re-committed* to the former Committee.

*Instruction* to the Committee,

That they do report, in compliance with Standing Order No. 140, the reasons and facts upon which their opinion, that the restriction as to the acquisition and use of Steam Vessels ought not to be enforced, was founded.—(*Mr. Richard Hodgson.*)

Leave given to the Committee to sit and proceed To-morrow, at Twelve of the clock.

MORAYSHIRE RAILWAY BILL [*Lords*] (*by Order*).

CONSIDERATION.

Bill, as amended, *considered*.

MR. MASSEY said, the third Bill—the Morayshire Railway Bill—stood on a somewhat different footing. In the first place, the Committee had complied with the Standing Orders, and assigned reasons to warrant a departure from them, and they proposed an Amendment in the Bill. But it appeared to him that this Bill had been framed with the express purpose of evading another Standing Order, the 147th, which also referred to railway companies taking steamboat powers. That Standing Order provided that no railway company promoting a Bill for any other object should, in the same Bill, propose to take steamboat powers—the object of the Standing Order being that no application for steamboat power should escape the attention of the House. This Bill proposed to raise £100,000 for the general purposes of the railway, and in a subsequent clause it proposed to appropriate £600 per annum for the purpose of maintaining direct communication by sea. It might be said this was not asking steamboat powers. In order, therefore, to test the quality of the Bill, he gave notice of an Amendment which should exclude the company from the employment of steam vessels by the insertion after “communication by sea” of the words “otherwise than by steamboats.” As soon as that was promulgated, a printed paper was handed round to Members, in which it was stated, that the object of the Bill would, by the adoption of the Amendment, be entirely defeated, the object being to establish steam communication. A practice had sprung up of late years of placing printed papers in the hands of Members having reference to private business. The practice of canvassing had for some years been discouraged; but he must say it was an

abuse of that power, and was running counter to the intention of the House, to have such documents as he had referred to delivered at the residences of Members, signed by the agents of the Bill, who were recognised as officers of the House. These were *ex parte* statements, and often contained very impertinent remarks on the motives and conduct of Gentlemen in promoting or opposing any scheme of private legislation. As Chairman of the Committee of Ways and Means, it was his special duty, under the Standing Orders, to call the attention of the House to anything of this sort, and he must say the circular to which he had referred was most improper. It stated, that "Mr. Massey had been induced" to give notice of his intention to insert words which would render the Bill altogether inoperative. He thought it would be for the House were to discourage the issuing of such documents as he had referred to, and therefore he had felt it to be his duty to bring the subject before them. In conclusion, he should move, as an Amendment, the introduction of the words "otherwise than by steam vessels."

Amendment proposed, in page 10, line 8, after the word "sea," to insert the words "otherwise than by steam vessels."—(*Mr. Massey.*)

MR. A. F. EGERTON said, his objection to this Bill was the same as he entertained in respect of the last Bill they had considered; but as the Amendment of the Chairman of Ways and Means would, if carried, effect the object he had in view, he should not press the Amendment of which he had given.

SIR HERVEY BRUCE admitted the impropriety and inexpediency of such documents as the Chairman of Ways and Means had referred to. With respect to the Bill itself, the Amendment would render it nugatory. The Standing Order had been considered by the Committee, who thought the Bill did not infringe its terms, and they had come to a unanimous conclusion to report in favour of the powers being given, on the ground of the great benefit that the proposed packet service would confer upon a large district of country.

MR. WOODD observed, that on the Committee he had taken the same view of the Standing Order as the Chairman of Ways and Means had taken.

MR. R. HODGSON thought any objection on the ground of Standing Orders

*Mr. Massey*

should have been taken at an earlier stage. There was an examiner, who had passed the Bill, as had also a Select Committee, and he could not but consider it was too late now to object.

COLONEL SYKES remarked that the Bill did not seek for powers to purchase steam vessels, but merely to contribute £600 a year to another company.

LORD STANLEY said, the objections to this Bill were less strong than those which applied to the other Bills. The Standing Order 147 provided that no power for purchasing, hiring, or providing steam vessels should be introduced into any Bill by which other powers were sought to be obtained by railway companies. This Bill, therefore, clearly was a violation of the Standing Order, as it contained powers for the railway company to contribute £600 a year towards the establishment of "a direct and speedy communication by sea," which, of course, could only be by means of steam vessels. Upon that ground, therefore, he should be disposed to acquiesce in the Amendment of the Chairman of Ways and Means. With respect to the circulation of statements connected with private Bills, he must say he thought the House ought to be careful how it interfered with the right of any person to address the House or individual Members. If on *ex parte* statements anything was said imputing motives to Members of the Committee or of the House, then the House could deal with the person offending; but as long as those statements were confined to arguments or facts, even although they questioned the decision of a Committee, he thought the House ought not to interfere.

SIR EDWARD COLEBROOKE thought that although the Bill was not so dangerous as the last, yet it involved the same principle. Almost all the commercial interests of the Clyde were opposed to this Bill, and the Town Council of Glasgow had pronounced against it. If the principle involved in the Bill were once admitted, it would be widely extended.

MR. GRANT DUFF said, this line of communication was very much wanted, and there was not the slightest probability of its being established unless a railway company or some other body should contribute funds for the purpose.

Question put, "That those words be there inserted."

The House divided:—Ayes 85; Noes 58: Majority 27.

STAFF SURGEON D. W. EATON.  
QUESTION.

MR. CONINGHAM said, he wished to ask the Under Secretary of State for War, Why Staff Surgeon Deodatus William Eaton was dismissed while on sick leave, after eighteen years' service, ten of which were in the East and West Indies, without any previous warning, with no charge assigned, nor with any opportunity of explanation before either a Court of Inquiry or a Court Martial; also, why has not a Court Martial been granted, and why have the applications for it, made by Mr. Eaton, been ignored?

THE MARQUESS OF HARTINGTON, in reply, said, it appeared that Mr. Eaton was insolvent in 1859 and bankrupt in 1862. It was the usual course, though not the invariable practice, when an officer sought the protection of the Bankruptcy Court, and thereby avoided his pecuniary obligations, to consider such a person unfit to hold the Queen's commission, and he was generally removed. In this case the circumstances that came out before the Bankruptcy Court were brought in the usual manner to the attention of the Secretary of State for War, the late Sir George Lewis, who, after examining all the facts, saw no reason to depart from the usual course. A Court Martial was therefore unnecessary, as all the facts were established in the Bankruptcy Court. Earl De Grey had been applied to, but he saw no reason why Sir George Lewis's order should be reversed.

COURT MARTIAL ON COLONEL  
CRAWLEY.—QUESTION.

MR. CONINGHAM said, he would now beg to ask the Under Secretary of State for War, Whether he will lay the proceedings respecting Corporal Blake before the House?

THE MARQUESS OF HARTINGTON said, in reply, that he was unable to do so, as it was not the practice to send the proceedings of Regimental Courts Martial in India to England. As it was stated, however, that the proceedings of the Court Martial referred to by the hon. Gentleman would have a material bearing on the trial of Colonel Crawley, he had sent out to India for the facts of the case, and had also forwarded directions that any witness who could afford information on the subject should be sent to England to give evidence at the Court Martial on Colonel Crawley.

FACTORY CHILDREN—STEAM BOILER  
EXPLOSIONS.—QUESTION.

MR. FERRAND said, he rose to ask the Secretary of State for the Home Department, Whether he intends to introduce any legislative measure to place children employed in Potteries and Paper Tube Factories under the protection of the Factory Act; also, whether his attention has been drawn to the great destruction of human life for many years by the constant bursting of Steam Boilers, especially by one near Leeds a few days ago, where ten people were killed; and, if so, whether he does not think that Steam Boilers ought to be placed under Government inspection?

MR. H. A. BRUCE replied, that it was not the intention of the Government to introduce any legislative measure to place the children referred to under the protection of the Factory Act. The evidence given before the Commission and the Report had been so recently published that sufficient time had not been afforded for its consideration. The matter, however, would be considered during the recess, and then his right hon. Friend the Secretary of State for the Home Department would determine whether or not he would introduce any measure founded on the recommendation contained in the Report. With regard to the bursting of steam boilers, there could be no doubt that every year a considerable sacrifice of human life took place from accidents of that description. But the hon. Gentleman could hardly have considered, when he proposed to place boilers under Government inspection, what he was asking the Government to do. Boilers were scattered all over the country, and consisted of those used in manufactories, for locomotive and also for agricultural purposes. Inspection by Government was to a considerable extent to be a substitution of Government responsibility for private responsibility; and unless they were enabled to make a real and complete inspection, it would be better not to attempt it.

COLONEL WILSON PATTEN said, he wished to know if the observations of the hon. Gentleman applied to the whole or only to part of the Report of the Commissioners. He alluded particularly to that part which was most interesting to Lancashire.

MR. H. A. BRUCE replied, that his answer referred to the whole Report.

## THE TYRONE ARTILLERY MILITIA.

## QUESTION.

MR. GETTY said, in the absence of his hon. and gallant Friend (Major S. Knox), he would beg to ask the Chief Secretary for Ireland, Why the Tyrone Artillery Militia is not allowed a practice ground, the Shores of Lough Neagh being within reach and suited to such a purpose; and why this regiment is not supplied with Light Field Guns?

SIR ROBERT PEEL, in reply, said, the point referred to by the hon. Member had been submitted to the War Department, who declined to grant a practice ground, on account of the expense. The forts of the County Tyrone were being demolished; and, considering its inland position, it was deemed unnecessary to continue the Tyrone Artillery Militia. As to the supply of light field guns, the supply was now limited to Armstrong guns; and as nobody in the Tyrone Artillery Militia understood the working of them, it was not thought necessary to supply them.

CASE OF THE COUNTESS DELLA  
SETA v. LORD VERNON.

## QUESTION.

MR. HARVEY LEWIS said, he wished to ask Mr. Attorney General, Whether the attention of the Lord Chancellor has been called to the case of the Countess Della Seta v. Lord Vernon, heard before Vice Chancellor Sir John Stuart, and to the language and demeanour of the Vice Chancellor to the Counsel and others concerned in the case; and, if so, whether his Lordship intends to take any steps to prevent a repetition of similar proceedings?

THE SOLICITOR GENERAL: Sir, in the absence of my hon. and learned Friend the Attorney General, I have to answer the Question of the hon. Member, and perhaps the House will pardon me if I make a short statement of the circumstances to which the Question refers, and I hope the House will be satisfied with the statement which I am about to make. The case came on in the ordinary way before Vice Chancellor Stuart; but before the nature of the case was explained to the Court, it was stated to his Honour by one of the learned counsel employed, that some young ladies, infants and wards of the Court, and parties to the suit, were not only interested in a pecuniary point of view, but that their reputation might be

seriously affected by a discussion in open court. It is the invariable practice of the Court of Chancery to take all possible precautions for the protection of infants under its care, and it is right it should do so, with or without the consent of parties, and that practice has been indisputably established by the highest authorities. In this case, it was not necessary that this right should be exercised on the mere authority of the Vice Chancellor. Although one of the counsel did object in the first instance, and pressed his objection, he afterwards, with that good judgment and feeling which I trust ordinarily distinguishes the counsel practising in all our Courts, waived his opposition in deference to the representations which were made to him. The Vice Chancellor, therefore, in taking that course, acted in accordance with the usual practice; and I am authorized by the Lord Chancellor to say that the course which was so taken meets with his most thorough approval, as in all respects consistent with the duty of the Judge, and worthy of the character of the individual who had to execute that duty. The hon. Member's Question further refers to some other matters which subsequently occurred. The course then taken by the Vice Chancellor in the discharge of his duty was very greatly misunderstood by some persons concerned or not concerned in the cause. [MR. MALINS: Certainly not concerned.] The result was that there appeared in some of the journals representations as to these circumstances involving the gravest imputation that could be laid to the charge of a Judge—namely, that out of respect for the position of a nobleman he had departed from the ordinary and proper course, and had, contrary to his duty, determined to hear the cause in private, and to shield an influential, powerful, and noble person from the possible exposure of circumstances which he desired to have concealed. Of course the House will understand, that if any Judge had been capable of so acting, he would have been unworthy of the position which he held. Now, that charge is utterly groundless and would be most calumnious, unless it had arisen out of entire misapprehension of the circumstances. That imputation could not but affect the mind of a man of high honour, like Sir John Stuart. It was open and competent for him, if he had thought fit, to deal with it as a grave contempt of Court. His Honour, however, did not think proper to do so; and if in publicly advertent to those cir-

cumstances he may have been betrayed into some warmth of language, if the indignation which must have been excited in the mind of any man of honour found its way to his lips, and influenced the tone of his observations, I am quite sure it is not necessary for me to vindicate him in this House.

#### NAVY—CUPOLA SHIPS.

##### QUESTION.

SIR JOHN HAY said, he wished to ask the Secretary to the Admiralty, If it is true that it is the intention of the Board of Admiralty to try the Cupola ships, *Royal Sovereign* and *Prince Albert*, without any masts, at sea ; or whether the tripod masts proposed by Captain Coles are to be adopted ?

LORD CLARENCE PAGET, in reply, said, it was not the intention of the Board of Admiralty to fit with masts the cupola ships, *Royal Sovereign* and *Prince Albert*, as they were intended only for the defence of harbours ; but if they were required to go to sea, they would be fitted with temporary and removable masts.

#### THE INDIAN BUDGET.

##### QUESTION.

MR. BAZLEY said, he would beg to ask the Secretary of State for India, When he will bring forward his annual Financial Statement ?

SIR CHARLES WOOD said, he proposed making his Financial Statement, if possible, on Thursday next.

#### ARMY—THE LANCASTER GUN.

##### QUESTION.

MR. HARVEY LEWIS said, in the absence of his hon. Friend (Mr. B. Osborne), he would beg to ask the Under Secretary of State for War, If any steps are about to be taken for the application of Mr. Lancaster's system of smooth, oval-bore rifling to Field Artillery ; and if the Correspondence and Papers relating to it will be laid before Parliament ; and also when the Report of the Ordnance Select Committee will be presented ; and if it is proposed to remunerate the Gentlemen whose services were recommended by the late Secretary of State for War in reference to this subject ?

THE MARQUESS OF HARTINGTON said, in reply, that it was not the intention of the Government at present to take any

steps for the application of the Lancaster system of smooth oval-bore rifling to field artillery. There was however a large gun on that principle which was about to be tried. There was a very voluminous correspondence on this subject, but it was mixed up with other matters, which could not well be separated from it. The Report of the Select Committee on Rifled Ordnance had been laid on the table ; but as it had been printed by the War Office, it had not been deemed necessary to reprint it for the House. Fifty copies had been sent to the library for the use of Members, but up to the present time he had not heard that any application had been made for one. With regard to the other Question of the hon. Member he had to state, that the usual practice would be adhered to of not remunerating those whose inventions were not introduced into the service.

#### CHINA TRADE.—QUESTION.

MR. LIDDELL said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether any Correspondence has taken place in addition to that already published between Her Majesty's Government and Mr. Lay, or between the Government and Merchants connected with the China Trade, on the subject of the complaints made in August 1861, by the Chambers of Commerce of Hong-Kong and Shanghai ; and, if so, whether there is any objection to lay copies of such Correspondence upon the table of the House ?

MR. LAYARD, in reply, said, he was not aware that there was any correspondence in addition to what had been published, between the Government and Mr. Lay, or between the Government and merchants connected with the China trade, on the subject of the complaints made by the Chambers of Commerce of Hong-Kong and Shanghai in 1861.

#### PUBLIC SCHOOLS.—QUESTION.

MR. GRANT DUFF said, he would beg to ask the Secretary of State for the Home Department, When the Commission, which is now inquiring into the Public Schools, is likely to Report ?

MR. H. A. BRUCE said, in reply, that there was no immediate prospect of the Report being ready, but it would probably be ready before next Session.

# CASE OF CAPTAIN MELVILLE WHITE. QUESTION.

MR. HENNESSY said, he wished to ask the Under Secretary of State for Foreign Affairs, What steps have been taken about the arbitration in the case of Captain Melville White?

MR. LAYARD replied, that the case of Captain Melville White had been submitted to arbitration. The Senate of Hamburg had been selected to act as arbiter, but he was not aware whether it had agreed to accept the office. Captain White had been desired to draw up a statement of his claim.

## THE AMERICAN BLOCKADE.

### OBSERVATIONS.

MR. SEYMOUR FITZGERALD said, he rose to give notice that either on the Report of Supply, or of Ways and Means, he would ask the noble Lord at the head of the Government a Question on a subject of much interest. Last year he directed attention to the circumstance that the American Government had adopted the practice of requiring bonds to be given by the exporters of goods that no portion of such goods should be sent into the hands of any person in the Confederate States. The noble Lord then promised to communicate with the American Government on that matter, and he saw that there had been a correspondence, which was printed in the American blue-book, but to which there was no allusion in any of the Papers presented to Parliament. The Question he should have to ask was, whether the noble Lord is aware, that notwithstanding the remonstrance of Her Majesty's Government, and the warning that the practice in question is contrary to treaty, it is still persisted in by the American Government; and whether he will state what course Her Majesty's Government intend to take in the matter? He would now beg to ask the Under Secretary for Foreign Affairs, Whether any further information has been received with regard to the case of the *Margaret* and *Jessie*?

MR. LAYARD: No; I do not think any further information has been received from the United States on the subject.

### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

# PUBLIC RECORDS IN IRELAND—CALENDAR OF CHANCERY ROLLS (IRELAND).

## RETURN MOVED FOR.

MR. MONSELL called attention to the Calendar of Irish Chancery Rolls recently published by the authority of the Treasury. It was of great importance that any matter relating to science or literature in Ireland should receive proper consideration at the present moment, when the Government were contemplating the measure of placing the Royal Irish Academy under the Royal Dublin Society. [Mr. PEEL: There is no such intention.] He was very glad that the idea was abandoned. In 1810 a Record Commission was appointed; it continued for thirty years, and did a great deal of useful work. Then, from motives of economy, it came to an end, and nothing further was done till 1858, when a Committee reported that the records deposited in the Rolls Office, of great antiquity and interest, should be prepared for publication. Accordingly, the Treasury made a not very liberal arrangement with the Master of the Rolls for the publication of these records. Two volumes had already been published, and a third was in course of publication. What he complained of was, that although there were at present in Dublin some of the most eminent antiquaries in Europe, yet not one of them was consulted before the work was commenced. The business was placed by the Master of the Rolls in the hands of Mr. Morrin, a clerk of the Rolls. In the two volumes already published there were prefaces amounting to 128 pages, and of these seven-eighths were taken without acknowledgment from printed works. Whole passages were thus "prigged" from the works of Mr. Tresham, who wrote upon Irish antiquities in 1826. Mr. Morrin spoke of the Seabright MSS. as lying in the library of Trinity College, Dublin, without any use being made of them. Would the House believe that in those MSS. were contained the Brehon Laws, for the publication of which so much had been voted in recent years? The two volumes also abounded in ludicrous mis-translations of Irish terms. He had no wish to be severe on Mr. Morrin, who did the work of his office very well. The Treasury had set about performing a scientific and literary work without consulting a single scientific or literary person, and had not given enough money for the purpose. Hereafter such men as Dr. Todd,

Dean Graves, and Dr. Russell should be associated with the Master of the Rolls in the publication of these records, and the work would be proceeded with more rapidly. The right hon. Gentleman concluded by moving for a Return of all monies expended during the last ten years in buildings for public records in England, Scotland, and Ireland; and also upon publications connected with public records in each of the three countries during the same period.

COLONEL DUNNE seconded the Motion, expressing his belief that the root of the evil was the utterly inadequate sum granted by the Treasury.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "there be laid before this House, a Return of all monies expended during the last ten years on Buildings for Public Records in England, Scotland, and Ireland, and also on Publications connected with the Public Records of each of the three countries, during the same time,"—(*Mr. Monseell*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. PEEL expressed his regret that the two volumes relating to the Irish records, which had been published by Mr. Morrin, should have been executed in such a manner as to call forth the pamphlet to which his hon. Friend had referred, and to lead to the subject being brought before that House. The object of Mr. Morrin's publication was to give to the public in a concise form the principal contents of the Chancery records in Ireland; and Mr. Morrin was selected as editor by the Treasury, upon the recommendation of the Master of the Rolls. Mr. Morrin was well known for his skill and experience in this particular branch of knowledge; he had devoted his whole life to the study of Irish records, and was eminent for his skill in deciphering ancient documents, notwithstanding the obsolete language and abbreviated forms in which these documents might be written. The Master of the Rolls was therefore justified in making this selection of Mr. Morrin; and if that gentleman had confined himself to the translation of the ancient Irish records, and had not written the prefaces—if he had not forgotten the maxim, *Ne sutor*—there would have been nothing for his right hon. Friend to bring before the House. But

Mr. Morrin had thought it necessary to write a preface to each of the two volumes and also to annotate them, and it was these prefaces and notes which had given rise to all the trouble and annoyance which had reached its climax by the subject being mentioned to that House. The pamphlet which had been referred to was transmitted by the Treasury to the Master of the Rolls, in order that he might call upon Mr. Morrin to refute the charges brought against him. It appeared from his reply, that, as regarded the prefaces, of the extracts taken without acknowledgment one was from a work in which the passage extracted had been written by himself for its author some years ago. He admitted, that in order to make the work as popular as possible, he had borrowed from other authors, but he had not borrowed from any author whose name at least was not mentioned at some part or other of the prefaces. With regard to the text, Mr. Morrin's explanation was quite satisfactory, and his statement was confirmed by the Deputy Keeper of the Rolls, whose testimony was unimpeachable; and this was the only part of the work for which he had received any remuneration—for the Treasury had refused to pay for the prefaces, they being no part of the work engaged for. Mr. Morrin's statement was that the whole of the text had been prepared by himself, independently of the labours of any other persons; that he had never seen the calendar said to have been prepared by the Record Commission twenty years ago, and had never met with any person who had seen it. With regard to the portion said to have been actually printed by the Record Commission, Mr. Morrin stated that it only came down to the end of the first seven years of Henry VIII., that this portion was included in his volumes in order to make them more complete; but that he had examined that portion of the records with the same care which he had given to the remainder of his work. In reply to the more general suggestion of his right hon. Friend, he could only say, a Record Office was now in course of erection in Dublin, and when this was completed the question of publication of the records would receive further consideration.

MR. GEORGE said, it was a matter greatly to be deprecated that any epithet attributing incompetency to Mr. Morrin should have been used by the right hon. Gentleman, for he thought it was singularly inapplicable to that gentleman. He did not believe it was possible to find a



person better qualified for the work for which Mr. Morrin was selected by the Master of the Rolls than that gentleman ; and he also believed he had had but one object in view—namely, that of carrying out most faithfully the intention of the Government. Lawyers of the greatest eminence in Ireland had always looked to Mr. Morrin for assistance, and that gentleman had received letters from the Master of the Rolls in Ireland, the Master of the Rolls in England, the Lord Chancellor of Ireland, and many other learned persons, expressing opinions that his work had been faithfully performed, and that it would be very useful to antiquaries, to historians, and to lawyers. He (Mr. George) would conclude by saying that he was sorry an attack had been made upon Mr. Morrin in that House upon such slender grounds.

MR. O'HAGAN (Attorney General for Ireland) said, that as he believed that Mr. Morrin had been personally wronged, he wished to bear his testimony to his high qualifications for the work he had undertaken. He was, perhaps, the very best man in all Ireland who could have been selected for the particular task assigned to him. There had been no real property trial in Ireland for many years in the elucidation of which his assistance had not been sought by one side or the other. It was perfectly true that Mr. Morrin did not hold in the literary world the high position of Dr. Todd, Dr. Russell, and others ; but it was a great mistake to suppose that those gentlemen possessed the necessary requirements for a special work like that which Mr. Morrin had been called upon to execute. He had himself found the records in the Rolls Office under Mr. Morrin in the most excellent condition, and wholly available to the public. The arrangement in that respect could not be improved. But there were other legal records in a most disgraceful condition. A sum of money had therefore been estimated last year for the purposes of a Record Office, which had been already begun. It would be amply sufficient to meet all the exigencies of the legal records in the mean time, and would be constructed so as to admit of expansion as circumstances might require.

Amendment, by leave, *withdrawn*.

#### BRAZIL.—PAPER MOVED FOR.

MR. SEYMOUR FITZGERALD : I rise, Sir, to call the attention of the House to the present relations of this Country

*Mr. George*

with Brazil, and especially to the recent rupture of Diplomatic intercourse with that Government, and to submit a Motion with reference thereto. I regret very much, that partly owing to the state of public business in this House, and partly owing to the regulations under which Motions are now brought forward by private Members on going into Committee of Supply, so long a time should have elapsed since I gave notice upon this subject, before I have been able to bring it under the consideration of the House. Looking at the state of the benches at the present moment, and looking also at the period of the Session at which we have arrived, I am afraid that I am acting rather in opposition to the wishes of the House in taking up such an important question at this time ; and I certainly would not undertake the task if it were not that I consider the subject one in which the honour and reputation of this country are greatly involved, and that it is of great importance that the House should have an opportunity of expressing an opinion upon it. Entertaining, as I do, that conviction, I cannot reconcile it with my duty to allow the Session to pass without at least entering a protest against the position which has been occupied by Her Majesty's Government in these late transactions with Brazil, and without calling the attention of the House to the consequences which may possibly flow from them. It is now some weeks since the Brazilian Minister asked for his passports, and suspended diplomatic relations with this country. That is not in itself an unimportant fact. It is the protest of a weak State against the conduct of a powerful State ; it is the protest of a country which, knowing its own inferiority in resources and military strength to the Power whose conduct it impugns, takes that step in the face of the world against conduct which it considers oppressive. That is not, I repeat, an unimportant matter, because I, for one, think, that great as is the power of this country, we are not in a position to afford that small States, while acknowledging their inferiority to us in point of strength, should be given the opportunity of protesting before the world against the course which we have pursued towards them. And, further, the particular position of Brazil renders the suspension of diplomatic relations with that country, both politically and commercially, of special importance. When I last addressed the House, I reminded it, that during a period of forty

years Brazil has conducted her affairs in a manner to win the confidence and respect of the other nations of the world. She has paid us in particular the compliment of having modelled her form of Government on our own, and she has won so far the confidence of the mercantile classes that our commerce with her is at the present moment almost the most important foreign trade in which our merchants are engaged. One unhappy consequence of our recent rupture with her Government is, that portions of her Chambers and of her population which are hostile to British interests and to British connections are rapidly obtaining power, and the Conservative party in that country, which has always been the friend of England and of English commerce, is losing at the elections, so that the opposite party is likely to come into power on the popular cry which has been caused by the conduct of Her Majesty's Government. The very first item in the programme of the party which is now superseding our friends, is the adoption of commercial arrangements which, if they should be carried into effect, would inflict a great blow on English commerce in Brazil. The nature of our relations with that country, therefore, forms a subject, both politically and commercially, which we cannot afford to disregard. The despatch of the Brazilian Minister which preceded the suspension of diplomatic relations with this country, is written with a calmness of temper, with a dignity and a moderation which no one that reads it can fail to appreciate. He contents himself with asking that Her Majesty's Government should express their regret for the way in which the reprisals had been effected, and he expressly guards himself against opening the main question as to the events which accompanied the shipwreck of the *Prince of Wales*, and the subsequent communications between the two Governments. I shall also upon this occasion confine myself to that more limited area; and I hope that any Member of Her Majesty's Government who may follow me in this discussion will follow the same course, and will make no attempt to mislead the House by "harking back" to questions which have already been discussed in this House. I will, however, mention one fact in reference to those earlier occurrences, which may serve to show how careful we ought to be in accepting, with respect to transactions which take place at so great a distance, the *ex parte* statements of our own officials. The hon. and learned

Gentleman the Solicitor General, in the course of a former discussion, dwelt greatly on the fact that portions of the goods assumed to have been plundered from the wreck were found in the yard of a magistrate resident near the spot. The Brazilian Government have caused an investigation to be instituted upon that point, and in the course of that investigation it appeared upon sworn testimony that the house of the magistrate was the only one of any sort within many miles of the spot; that he was not there himself for a week preceding the wreck, or until three days after its occurrence; and that his yard was made a *dépôt* to which were taken the various things thrown on shore by the waves. That was the result of the investigation made by order of the Brazilian Government, and that was the manner in which the goods found their way to those premises.

Passing, however, from that special point in the case, I wish to direct the attention of the House to the general position in which we have been placed by these transactions. At the Conference of Paris a proposal was made by our representatives, and was adopted on behalf of the other Powers, to the effect, that whenever a difference arose between two Governments they should, before having recourse to arms, refer the matter in dispute to arbitration. The hon. Member for Rochdale (Mr. Cobden) referred to that understanding upon a former occasion, and the hon. Gentleman the Under Secretary for Foreign Affairs (Mr. Layard) gave him a very curious, and I must say a very unsatisfactory reply. He compared the case to that of two individuals, and he said—

"Is it for the party who received the offence to be the first to propose arbitration? We were the parties who received the offence, and therefore it was for the Brazilian Government, and not for us to make such a proposal. They never did so, and we are therefore free from any reproach."

Now I do not think that is at all the state of the case, or that it is a fair application of the principle adopted at the Conference of Paris. According to the words of the protocol, it is before having recourse to arms that arbitration should be proposed, and that proposal, it is obvious, should come from the Power which would be the first to have recourse to hostile measures. It is clear that under the protocol it was the bounden duty of Her Majesty's Government, before having recourse to forcible measures to propose

arbitration, and to urge it on the Brazilian Government. In a debate which took place a short time since upon the question of relaxation of the rules of maritime law, one Member of the Government made use of a very extraordinary argument. He said—

“What is the good of laying down rules, because you will find, the moment an emergency arises, that the Power which has been a party to the stipulation will be the first to act in opposition to that understanding, and will, from its own necessities, trample under foot the agreement by which it had agreed to be bound.”

The House did not seem at the time to appreciate the value of that argument; but I must say that the conduct of Her Majesty's Government towards the Government of Brazil in this particular instance shows that that right hon. Gentleman was not very far wrong when he said that those humane regulations would be powerful enough to bind the weak, but that they would fail to impose upon the stronger party any effectual restraint. My first complaint against Her Majesty's Government is, that before they had recourse to forcible measures they did not propose arbitration according to the resolution which had been adopted by the Conferences of Paris at their own suggestion. The Government state that they did not propose arbitration, but that they instructed Mr. Christie, that if arbitration were proposed by the Brazilian Government, he was to accept the offer. But how does the case stand as regards Mr. Christie himself? And let it be remembered that Her Majesty's Government have given their unqualified approval to everything that was done by that gentleman throughout these occurrences; so that I shall feel it my duty to address to them any censures I may pronounce on proceedings which they have deliberately sanctioned, and not to Mr. Christie, who acted under circumstances of great difficulty and irritation. In a despatch written by Earl Russell on the 8th of October the noble Earl seems to have had a glimmering notion that he had some responsibility weighing upon him in reference to the proposal of arbitration. In that despatch he instructed Mr. Christie to demand the payment of a certain sum for freight and of a certain sum for the goods on board the vessel. The hon. and learned Gentleman the Solicitor General shakes his head; but I find in page 82 of these papers that Earl Russell in his despatch of the 8th October instructs Mr. Christie to demand

*Mr. Seymour FitzGerald*

£5,500 for the cargo, and £1,025 for freight. The noble Earl, however, adds—

“But if the Brazilian Government admit the principle, Her Majesty's Government are prepared to accept a fair arbitration as to the actual amount of compensation to be made.”

The principle which it was thus asked should be admitted is, that when a shipwrecked vessel is plundered, the Government of the country in which the plunder takes place, must be held responsible for the value of the plundered articles, and for the whole of the freight of the ship. But Earl Russell seems subsequently to have thought that he was not quite right in his view of the responsibility that devolved upon the Government that was the first to propose the principle of arbitration for the settlement of those international differences, and was afterwards the first to wish to set it aside. In a despatch of the 4th of November, therefore, he instructs Mr. Christie, that if arbitration is proposed by the Brazilian Government, he is to accept the offer. Mr. Christie thus came into the possession of two despatches, one suggesting arbitration with the understanding that it was to be limited to the amount of compensation to be paid, and the other instructing him that he should accept arbitration upon the general question if it should be proposed by the Government of Brazil. What course did Mr. Christie then take? And let the House remember that his conduct met with the entire approval of Her Majesty's Government. Mr. Christie, while in the possession of those two despatches, addressed to the Brazilian Government a demand embodying almost the identical words of Earl Russell's first despatch, which was superseded by the second and more conciliatory communication from the noble Earl. Mr. Christie, instead of paying any attention to the second despatch, which showed Earl Russell's disinclination to come to an open rupture, put that despatch aside, and based his demand solely on the first despatch, which had been superseded. That is to say, Earl Russell having seen that his first despatch was contrary to the rules laid down at the Conferences of Paris, and that it involved a principle that was manifestly unjust, instructed Mr. Christie in a different sense; and Mr. Christie, instead of being guided by the second despatch, put it entirely aside, and based his demand upon the first despatch, which had been superseded. What was then his conduct? On December 5th he wrote a note,

which he called his ultimatum. Now, I believe that if Earl had considered the matter for a single minute, he would not have approved the conduct of a Minister, who, after having been instructed that if arbitration was proposed he should accept the offer, wrote, as his first step, a despatch that precluded the possibility of an amicable settlement of the difference. Instead of laying the foundation of a conciliatory movement on the part of the Brazilian Government, Mr. Christie wrote an ultimatum, in which he asked the Brazilian Government to assent to the principle involved by the payment of a sum of money, with the condition that the amount only of that sum should be referred to arbitration. Matters went on in this way until the 29th of December. Mr. Christie takes credit that throughout the whole of that time he was perfectly willing to listen to terms of arbitration if they had been proposed by the Brazilian Government. But it was impossible they should make such a proposal, because, as the Marquis d'Abrantes remarked, Mr. Christie's despatch of the 5th December was an ultimatum, which, as far as regarded the principle at issue, admitted of no mediation. But what did Mr. Christie do? On the 29th December he instructed the English Admiral to proceed to reprisals. The Admiral acted upon that instruction. One vessel was despatched that very night, and another was despatched on the next morning. After the departure of both these vessels Mr. Christie informed the Brazilian Government that in consequence of their conduct it was absolutely necessary for him to have recourse to forcible measures for the purpose of obtaining the reparation they seemed determined to withhold. All his measures had been taken before he made the Brazilian Government acquainted with his intentions; and when he did make the announcement, he was perfectly sure it was too late to stop reprisals. In a few hours Brazilian vessels were captured, and, in Mr. Christie's own words, a lesson was read to that Government. After having put it out of his power to act upon the second despatch of Earl Russell, and to avoid all the complications which have since arisen, he then took the course he ought to have taken long before; he held a conversation with Baron de Maná, one of the most influential merchants and bankers in Rio, and in the course of that conversation, he allowed it to be known that he had instructions from Earl Russell to assent

to an offer of arbitration, if it should be made by the Brazilian Government. It was not therefore until an offer of arbitration was no longer possible, that he allowed it to be known that he was authorized to accept such an offer. Mr. Christie, it appeared from the Parliamentary papers, thought that a great deal of good might be done by reading the Brazilians a severe lesson; and what does he do? Although he had instructions in his pocket which would have enabled him to get over this complication without recourse to forcible measures, he studiously concealed them, and it was not till the lesson had been read, the *amour propre* of the Brazilians touched, and their honour wounded, that he allowed them to know that he had such instructions. This is the conduct of which Her Majesty's Government have expressed their entire approbation. What I present to the House as a matter of great complaint against Her Majesty's Government is, first, that they did not themselves instruct their Minister that before proceeding to forcible means he should propose arbitration; and secondly, that when they had authorized the Minister to accept arbitration if offered, the Minister obviously kept back that proposal, in order that he might "read the Brazilians a lesson," which he said it was desirable to do. Her Majesty's Government ought to have expressed disapprobation rather than approbation of such conduct.

The next point of which I have to complain, is one that has been referred to by the Brazilian Minister himself. In a communication to Lord Russell, the Marquis d'Abrantes refers to the correspondence, in which the Brazilian Government stated, that while they protested against the course the British Government were pursuing towards them, considering the great difference between the power of the two countries, they should not consider themselves humiliated by a submission to force, and that therefore, upon the first exhibition of force, they would submit under protest. That, however, did not suit the ideas of the gentleman who desired to read the Brazilians a lesson. What was the course adopted by Mr. Christie? He says that, for reasons he can explain, it was absolutely necessary to keep secret the arrangement that he had made with the Admiral, in respect to the course that was to be adopted. He does not afterwards fulfil his promise, or give any explanation why it was necessary to keep

such arrangements secret; and after the statement of the Brazilian Government that they would submit to the slightest exhibition of force, one does not see why a communication from Mr. Christie to that Government, to the effect that he had placed the matter in the hands of the Admiral, and that one of the ships would leave the harbour to effect reprisals, would not have been quite sufficient to obtain from the Brazilian Government all that Her Majesty's Government desired to obtain. However, he keeps the arrangement with the British Admiral a secret, and it is not till the British Admiral has despatched a vessel to make reprisals, and reprisals were actually being made, that he allows the Brazilian Government to understand that he had the means of avoiding such an insult to their honour and dignity. The claim made by Her Majesty's Government is £2,300. Surely the seizure of one vessel in the harbour would have been sufficient; whereas, according to Mr. Christie's own showing, the operations which took place were of the gravest and most insulting kind, and equivalent to a blockade of the harbour of Rio for nearly a week, and to an act of war of the gravest description. That is the course taken by those who represented Her Majesty's Government after they had been informed that the exhibition of the smallest force would be quite sufficient to obtain all they desired. Therefore, putting out of view whether Her Majesty's Government were right in considering that they were called on to make reprisals, yet I say that after these reprisals were made their conduct was not consistent with a spirit of justice or propriety—because, although the mere making of reprisals might not be an act of war, yet those reprisals were effected in a manner which, according to the language of Mr. Christie himself, was tantamount to an act of war.

The next point to which I wish to call the attention of the House, is to the assessment of the compensation demanded, and which has since been paid. I do not wish to say anything in the slightest degree disrespectful of the Queen's Advocate. It is perfectly clear that the memorandum of compensation is not the production of the hon. and learned Gentleman, because it is stated to have been drawn up for the purpose of informing the Queen's Advocate as to the manner in which the sums should be assessed;

and it goes on to state beyond that that Earl Russell had reduced the amount which was originally named, and that the money had been paid. It is clear that the memorandum is in somebody else's words, so far as respects the advice to Her Majesty's Government; and, indeed, I can perfectly understand that there might be a good deal of delicacy in the Government introducing the opinion of the Queen's Advocate, because, if there is one rule which Governments hold more stringent than another, and which ought, indeed, to be invariably adhered to, it is that the opinions which the Law Officers of the Crown give to the Government ought never to be communicated. In the observations, therefore, which I make upon this memorandum I cannot be considered guilty of any disrespect to the Queen's Advocate. Let me point out the position of the Government in respect to this claim. In the despatch of October 8 the Government made a claim for freight as well as cargo. When the Queen's Advocate saw that, he said at once, "You cannot claim for freight; therefore you must strike out that item." I must say I think that when Her Majesty's Government are taking a course which has a tendency to embroil us with foreign nations; when it goes so far as to place before a foreign Power what the Government itself calls an ultimatum, it would be wise on its part that it should consult its legal advisers before it made its claim, and not make a claim so unjust that it is obliged to abandon a portion of it immediately it is submitted to its legal advisers. Let me now turn to the amount directed to be paid for the cargo. I must say that this memorandum is very remarkable in one particular above all others, and it is this. You are insisting by force upon justice being done; but, instead of being careful to confine your demand to exactly that to which you are entitled, the new plan adopted by the Government seems to be to make a demand "in the rough." You are to seize Brazilian vessels, to inflict great damage on commerce, to irritate the whole population of a friendly State, and yet you are not to know whether you are asking too little or too much. The result is (putting aside that very extraordinary phrase which the Queen's Advocate has used), after making allowance for probable and necessary damage in salvage, he "roughly" estimates the claim at £2,360.

I should like to know what were the documents which were put before the Queen's Advocate when he made out that rough estimate; for in estimating damage done to a cargo he ought to have had the assistance of persons who had a practical knowledge of such matters, besides all other information necessary to enable him to give a decision upon such a matter as this. Now, I happen to hold in my hand the manifest of the *Prince of Wales*. Mr. Stevens commences by making a claim upon the British Government for £5,500 value of the cargo; but I find by the manifest, that instead of the cargo being put down at that sum, it is in fact put down at £3,000. That is not all. I have had this paper carefully examined by an eminent merchant well acquainted with this particular trade, and as well, if not better, able to give an opinion on it as any one in the great mercantile cities of England; and his deliberate opinion is that out of this £3,000 there are only packages of light goods to the value of £810 which could by possibility have come on shore in such form and with such value attached to them as could be made a fair subject of claim. Now, I should like to know whether, among other things, this manifest was presented to the Queen's Advocate in order to enable him to form a proper opinion on the demand made. There were two other consignments, of such a character that if they got damp they were of no value, and could not be made the subject of compensation at all; and all the remaining cargo consisted of soda-ash, flint glass, cast-iron nails, and coals. The *Prince of Wales* went down at her anchors at a distance of a league from the shore, in a violent storm, in a sea in which no vessel ever framed by the skill of man could live. That being the case, I am informed that with the exception of the £800 worth of goods to which I have referred, there is no probability that any portion of her cargo could have reached the shore in such a condition as to form the fair subject of compensation. Yet, the Government have made a claim of £2,360, and have the grace to admit that it is a "rough estimate" only—that rough estimate being more than three times the amount which the goods saved would have obtained, if they had been landed from the vessel in an undamaged state, and had been sent to the market for which they were originally destined. There is another part of this memorandum which has reference to one of the most curious proceedings ever

brought before the House of Commons or any assembly of reasonable men. The Queen's Advocate suggests that there should be a sum of £840 paid as compensation "for possible murders." When he first deals with the matter, he deals with the question of the murders in this way. Lord Russell says—"In this case there is some reason to suspect that British property has been plundered and British subjects murdered on a foreign shore;" and he goes on to say—"All the Government wishes to do is to exact reparation from the Government on whose territories these outrages took place." The House will observe that the noble Earl first speaks of the case as one of suspicion, and then proceeds to say that reparation had been exacted for these outrages; assuming, therefore, that these outrages had been actually proved. He says there is ground to suppose that wrong may possibly have been done; but then, on the other hand, it is possible that it might not have been done; and yet the learned Queen's Advocate advises Her Majesty's Government to demand a sum of £840 for murders which have possibly not occurred. Now, really that statement is so ridiculous, that if it did not reflect disgrace on us and on the Government which have resorted to force to obtain reprisals, I should rather treat it as a matter of ridicule than complaint; but I do say, that when such conduct is attempted to be justified by the Government, it not only does them no credit, but reflects dishonour and disgrace upon the country which they represent. Mr. Christie first asked for compensation for men supposed to be murdered; but afterwards he changes his ground, and asks for compensation for the bodies being plundered and stripped, and that compensation is to be handed over to the families of those men who were so stripped and plundered. I want to know to whom this £840 is to be paid over. In the first place, nobody is proved to be murdered; and in the second place, supposing that two or three were murdered, nobody knows who they are or to whom the money ought to be given. In this difficulty the compensation for the men who had possibly been murdered was to be paid to the families of those who had been wrecked; so that, in the first place, Her Majesty's Government asked for compensation for murders that possibly had never been committed at all; and, assuming that the murders had been committed, instead of the money being handed over to the families of the murdered men, it was to be

handed over to the families of the persons who had been wrecked. Thus, Jones had been wrecked, and his family were to receive £100 because Smith had got on shore and been murdered. [*A laugh and "Hear, hear!"*] Really, this was turning into ridicule a proceeding that ought to be solemn. He could not but think that the Government were turning themselves and the country into ridicule by making a demand of this kind, which, he ventured to say, no sensible man in England who had heard of it regarded it in any other light than as a reflection on the good sense and business habits of those who had authorized it to be made. As connected with this subject of the supposed murders, he wanted to know whether Her Majesty's Government had obtained the evidence of the captain of the *Hound*. When Mr. Stevens first forwarded his claim, he alleged that the captain of the *Hound* said he had seen the bodies of the men who had been murdered. Those demands had been made in December, and we were now in the middle of July, after having taken a course which had embroiled us with one of our most valued and faithful allies. That being so, he wished to know whether the Government had obtained the evidence of the captain of the *Hound*, which, if obtained, would be something like a justification of their course. If it was not obtained, he should be disposed to regard the whole statement of that person having seen the bodies of the murdered men as a fiction and a falsehood.

There was another point on which he wanted some explanation. The last despatch of Lord Russell states that the reprisals were made to obtain satisfaction for the plunder of the *Prince of Wales*, and for the insult offered to the British navy in the case of the officers of the *Forte*. That case was referred to arbitration, and I, for one, deeply regret the course taken by the Brazilian Government in not at the last moment, even after the insult had been offered and the reprisals made, accepting the suggestion that the matter should be referred to arbitration, because I am convinced that the result would have been exactly the same as in the case of the *Forte*, whether the matter had been referred to the King of the Belgians or any other Sovereign. They would have said that Her Majesty's Government had not the slightest claim on the Brazilian Government for the indemnity which they forced from them. In my opinion, after such an answer had been made, Her Ma-

*Mr. Seymour Fitzgerald*

esty's Government ought to have expressed its regret to the Brazilian Government for the hostile attitude it had assumed, and avow at once that it was mistaken; and I am the more anxious for that because I think something ought to be done by Her Majesty's Government towards the restoration of friendly relations with Brazil, and especially at a time when there is great distress in this country, which cannot fail to be aggravated by the course adopted by the Brazilian Government, which will tend to cripple our commerce with that great and important country. Therefore, I was exceedingly anxious that the Government should take some course which would lead to the restoration of friendly relations with Brazil. And I have before me a very fair precedent to lead me to this hope, because just at this time, when the papers are being laid on our table with reference to the conduct of Mr. Christie, we have another case before us of a directly opposite character which has happened in connection with another South American State that has no such claim upon us as Brazil—I mean Paraguay; for in repeated instances Paraguay has insulted British authority, and inflicted injury on British subjects; but there we have not Mr. Christie for our Minister, but a gentleman who knows how to conciliate, who knows how to interpret his instructions liberally, who knows that it is not his duty to "read lessons" to foreign Governments, but that he is bound to take such a course as will prevent complications and embarrassments from arising between his country and foreign nations. In that case a claim had been made on the part of an oppressed British subject; but our Minister, Mr. Thornton, declared that he never intended, in urging that claim, to interfere with the jurisdiction of Paraguay. The memorandum respecting Paraguay was headed "Copy of an agreement between Mr. Doria"—a very promising member of the diplomatic service and the British Chargé d'Affaires at Paraguay—"and the Minister for Foreign Affairs of Paraguay." The agreement proceeded as follows:—

"Being desirous to renew the friendly relations unhappily interrupted between the two countries by the following questions:—1. The imprisonment of James Canstatt; 2. The satisfaction required by the Government of Her Britannic Majesty for want of respect which, as they state, was shown to their Consul; 3. The attack upon the Paraguayan steamer of war *Tacuari*, in the Roads of Buenos Ayres, by British naval forces, on the 29th of November 1859; and lastly, the collision

with the aforesaid steamer *Tacuari*, and wreck of the English steamer *Little Polly*, in the waters of the Villa de Oliva—have agreed, after seeing and examining the argument set forth by each side:—Mr. Thornton declares that in the Canstatt question the Government of Her Britannic Majesty never pretended to claim the right to interfere in the jurisdiction of Paraguay, and it never was nor will be their intention to prevent the Paraguayan Government from executing their laws.

Such a declaration to the Brazilian Government would be very satisfactory, for we had grievously interfered with the execution of the Brazilian laws; and if the same spirit of conciliation were shown towards Brazil as had been manifested towards Paraguay, Her Majesty's Government could have no difficulty in making a similar declaration. Next, the agreement set forth—

"That the Government of Her Britannic Majesty regrets very sincerely that the hostile attitude adopted by its naval forces in the River Plate against the Paraguayan steamer of war *Tacuari*, on the 29th of November 1859, should have offended the dignity of the Republic of Paraguay, and declares in the most solemn manner that it never was nor will be in future their intention to offend in any way the honour of the Republic of Paraguay, or the dignity of its Government."

What prevents Her Majesty's Government from making the same sort of declaration at Rio, and in the same spirit as was made to Paraguay? I think it is partly owing to this—the Government of Paraguay is not as accessible as that of Brazil, and might inflict great trouble and expense on Her Majesty's Government, which could afford to bully Brazil, while it would find it very difficult to bully Paraguay. I hope the course of the Government, putting aside the spirit of hostility which on several occasions and in many distinct forms has inspired Her Majesty's Government in their conduct to Brazil for many years, will be more becoming, more conciliatory, more advantageous to their own country, and more honourable to its character. I hope, that, putting aside false dignity, knowing from the decision which has been given by the King of the Belgians that we have been in the wrong, taking example by the course followed in Paraguay, we shall, without leaving any step to be taken in the matter by the King of Portugal, or any other potentate, take steps to re-establish our relations with Brazil on a footing honourable to both countries. Our conduct in our relations towards Brazil has been characterized by bitter animosity for many years; and for it no one is more responsible than the noble Lord at the head of the Government. It is now some

time since what was called the Aberdeen Act was passed. Lord Aberdeen afterwards expressed his great regret that the Act which bore his name had not been repealed, and in strong terms regretted that he had ever consented to its passing. I have reason to know that he said he had considerable doubts as to the propriety and justice of the measure, and he regretted that Lord Malmesbury did not repeal it during his tenure of office. But what is the position of the noble Lord with respect to that Act? Go to the merchants in any part of this country, they know the importance of establishing a good understanding not only between the two Governments, but between the people of the two countries, and you will find that they say the first thing you should do, if you wish to have a good understanding with Brazil, is to repeal the Aberdeen Act. Deputation after deputation, however, has waited on the noble Lord on this subject.

VISCOUNT PALMERSTON was understood to say that no such deputation had ever waited upon the Government.

MR. SEYMOUR FITZGERALD: I had the information from one of the most eminent Brazilian merchants in the country, whom I saw not two hours ago, and who told me he had been one of a deputation to the noble Lord on this subject; but if I am in error, I am ready to give the noble Lord the advantage of it. But I am not speaking merely with reference to the Aberdeen Act, though its provisions are the greatest violation of every principle of justice that ever marked the conduct of the most absolute and despotic monarchy or assembly. It enables British cruisers in Brazilian waters to seize vessels suspected of being concerned in the slave trade. The noble Lord says that the reason this was done was because Brazil neglected her treaty obligations. But the noble Lord has spoken of Spain as having neglected to fulfil her treaty obligations respecting the slave trade, yet he has never proposed an Aberdeen Act for that country. When he has a small and distant Power to deal with, he puts in force this Act; but he knows well that to empower British cruisers to seize suspected slavers in the ports of Cuba would bring him into collision with North America, and probably with France; and therefore the policy which is thought justifiable with regard to Brazil is not resorted to in the case of Spain, though that country has received large sums of money upon the distinct understanding that she should



put down the slave trade. What is the spirit manifested by Earl Russell in these despatches? Within a week of the enforcement of reprisals he sent one of the bitterest despatches respecting the liberated negroes in Brazil that even he, with his very bitter pen, ever wrote. Again, when M. de Moreira asked for his passports, you would suppose that the noble Lord would have written a dignified letter, regretting the suspension of diplomatic relations; but if two old women quarrelled, you always find the one who speaks last raking up every difference that they have had for years, and this is the spirit of Lord Russell's letter. It is hopeless to expect that Her Majesty's Government can be successful in maintaining friendly relations with Brazil while their despatches manifest so bitter a spirit. I believe, however, that it is in the power of the Government at the present moment to make advances which would be favourably received by that country. The state of affairs in regard to the Aberdeen Act is such that it may be justly and honourably repealed, and nothing I am sure would give so much satisfaction both to the Government and people of Brazil. I hope Her Majesty's Government will not neglect this opportunity of renewing amicable relations with that State, and will endeavour in their future policy with regard to it to avoid the errors they have committed in the past.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of the Manifest of the Barque 'Prince of Wales,'"

—(*Mr. Seymour FitzGerald*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. LAYARD said, he must confess he did not quite understand the object which his hon. Friend opposite had in view in bringing this subject again before the House. The question had already been well ventilated, both in that House and in another place. To-night they had heard very big words about the matter; the country was disgraced, dishonoured—in short, there were scarcely any words of reproach which had not been applied to the conduct of the Government by the hon. Gentleman. But when a question in which

the honour and dignity of this country were concerned was discussed in so small a House as that which he saw before him, he felt some misgivings as to whether there was any justification for so very strong an expression of opinion from the hon. Gentleman. Perhaps the hon. Gentleman might have had another object in view. He might, perhaps, have wished the House and the country clearly to understand what he and his friends would have done if they had been in office when the dispute with Brazil took place. It appeared from his statement, that if a British ship was wrecked upon a foreign coast, if its cargo was plundered, if its crew were murdered. [*Mr. SEYMOUR FITZGERALD*: The crew "possibly murdered."] He would come to that question presently, but meanwhile he contended that the crew, or the greater part of them, were murdered. If the authorities on the spot connived at these outrages, and if the Government refused redress, we were to remain idle and do nothing for the protection of the lives and property of British subjects. ["No, no!"] The hon. Gentleman said, moreover, that if officers in the service of Her Majesty were treated in an outrageous manner, locked up in a cell for two days and two nights, we were to allow such conduct to remain unredressed and unprotested against. Now, Her Majesty's present Government were not inclined to take the view of the hon. Gentleman. They were not prepared to admit that a foreign Government was not responsible when the crew of a British vessel were murdered on its coast, and its cargo plundered with the connivance of the local authorities. Such was unquestionably the case in the present instance. ["No!"] He defied any Gentleman who had read the papers carefully to say that he had any moral doubt with regard to the murder of the crew. He admitted that there were no legal proofs, but denied that there could be any moral doubt on the subject. The hon. Gentleman had asked why the Government had not brought forward Mr. Hunter, the captain of the *Hound*, to give his evidence. Why, the captain of the *Hound* was at Rio do Sul when the wreck of the *Prince of Wales* took place, and he had no actual knowledge of what occurred on that occasion. What he had stated to the owners of the *Prince of Wales* was neither more nor less than the common report of Rio do Sul—for the natives themselves knew that the crew were murdered, and the fact was distinctly recorded in the local papers.

*Mr. Seymour FitzGerald*

MR. SEYMOUR FITZGERALD said, he would refer the hon. Gentleman to page 13 of the papers containing the evidence of the captain of the *Hound*.

MR. LAYARD said, he was obliged for the reference, but in page 13 the captain of the *Hound* merely stated what he had heard at Rio do Sul.

MR. SEYMOUR FITZGERALD: He states that he saw the bodies.

MR. LAYARD admitted that Mr. Hunter saw the bodies, but it was at Rio do Sul, whither four or five of them had been taken. If his evidence had been of any value, the Government would have availed themselves of it cheerfully; but when they ascertained that he had only hearsay evidence to give, they at once dismissed him as a witness. They would have been deceiving the House, indeed, if they had brought him forward.

SIR HUGH CAIRNS: Mr. Stephens says he was informed by Mr. Hunter that he had seen the bodies with knife-cuts and other wounds.

MR. LAYARD had already admitted that he saw the bodies, but at Rio do Sul, not upon the coast where they were cast up. If, however, he saw them with their throats cut, what became of the assertion of the hon. Gentleman that no murder was committed? The hon. Gentleman had treated the question of the cargo in the same light way. He had made a statement—which he had certainly not derived from the papers on the table—that the ship went down at her anchors. On the contrary, the fact asserted in the papers was that she was seen aground for one or two days after she had gone ashore, looking “as if she were lying at anchor,” when she went to pieces. The hon. Gentleman had also stated what, if true, was now heard for the first time, that the yard of Senhor Soares was used as a dépôt, and that the goods found in it were not taken there for any evil purpose.

MR. SEYMOUR FITZGERALD explained, that what he had said was, that the yard of Senhor Soares, being the only enclosed place in the neighbourhood, the authorities, who were collecting the property for the purposes of investigating the wreck, put it there for safety.

MR. LAYARD thought the statements of the hon. Gentleman were very inconsistent. First, he said the property went down at sea, and now he declared that it had turned up in the yard of Senhor Soares. If the goods went down with the ship, how could

they be found in a dépôt on land? The hon. Gentleman had likewise stated that all the goods that could be saved were the Manchester goods, and that the rest went to the bottom of the sea. He forgot one of the essential parts of the case—that not only was the ship in good condition some days after she was wrecked, but that three of her boats with oars were found on the beach. These boats had clearly been used to bring a considerable part of the cargo to the shore, and Admiral Warren, who had more knowledge of maritime matters than the hon. Gentleman, stated that the way in which the boats were found, drifted on shore with their oars, one several miles to the north of the wreck, proved beyond question that they must have been employed in landing cargo, making more than one trip backwards and forwards. The hon. Gentleman forgot, moreover, what had been stated by Consul Vereker, that several barrels of nails and hardware were found on shore. Now, barrels full of nails did not come on shore, they went to the bottom; but there they were on land, and they must necessarily have been carried thither. Again, when the Manchester goods were found, they were not damaged by the sea; on the contrary, the linings of the cases were untouched by salt water, which proved that they were taken on shore in boats. He felt ashamed to dwell so long upon the fact of the plunder of her crew. It was virtually admitted the *Prince of Wales* and the murder by the Brazilian authorities themselves, and the object of the hon. Gentleman in bringing the question again before the House only seemed to be to embarrass the Government and injure British interests in South America. If that was his object, he had to a certain extent succeeded. There could be no doubt that after the action of Her Majesty's Government a very great change took place in our relations with that part of the world. Questions which had been going on for years were brought to an amicable termination, and redress was given in several instances; but, after the very unpatriotic tone assumed by the hon. Gentleman and those who acted with him, there was a marked alteration in the tone of Brazil and many other South American States. The hon. Gentleman knew that no class of cases gave more trouble to the Foreign Office than these South American claims. There was not a South American State against which Her Majesty's Government had not some claims

for redress, and indeed scarcely a day passed that some such claim from British subjects was not received at the Foreign Office. For a short time after this affair a very considerable improvement took place in our relations with the South American States; but he already saw the consequence of the denunciations of Her Majesty's Government in which the hon. Gentleman and those who acted with him had indulged. While condemning the Government for the course they had felt bound to pursue with regard to Brazil, the hon. Gentleman had expressed his approval of the course taken by the Government in the case of Paraguay. This, however, showed that Her Majesty's Government were not disposed to act unfairly with that or any other South American Government. Her Majesty's Government had differences with Paraguay, but they were ready to negotiate, and Mr. Thornton was sent on a mission there. Mutual concessions were made. The Government of Paraguay consented to give compensation and redress; and Her Majesty's Government, on the other hand, declared that they admitted and respected the independence of the Paraguay Government. Concessions were made, on both sides, and the matter was settled. He denied, therefore, that Government were desirous to treat these South American States with a high hand, as the hon. Gentleman had asserted.

He was surprised to hear the hon. Gentleman assert that Mr. Christie had not acted in conformity with his instructions from the Government, and had refrained from making a proposal for arbitration. Why, Mr. Christie distinctly made such a proposal. Her Majesty's Government only called upon the Brazilian Government to admit the principle, that if a crew were murdered and plundered with the sanction of the local authorities, the Government of the country in which such acts took place were responsible. If Her Majesty's Government had given up that principle—[Mr. SEYMOUR FITZGERALD: You did.] The hon. Gentleman was in error. Her Majesty's Government said, that if the principle were admitted, the amount was a secondary consideration. If the Brazilian Government had admitted its responsibility for the acts of its own authorities the question of amount might have been very speedily settled. The hon. Gentleman said over and over again that Her Majesty's Government had put forward the demand of Mr. Stephens. On the contrary, the Government distinctly told the Brazilian Government that they were not responsible

for that demand. Mr. Stephens made a statement as to the value of his cargo. Her Majesty's Government, however, represented to the Brazilian Government that this was merely Mr. Stephens's claim, but that the Government did not adopt or adhere to it; and that if the Brazilian Government would admit the principle of the claim, the amount of the claim would be a fair matter for discussion and reduction. The Brazilian Government refused to accede, but threw on Her Majesty's Government the responsibility of fixing the amount to be claimed. The course pursued at the Foreign Office in such cases, as the hon. Gentleman well knew, was to refer the documents to the Queen's Advocate, and leave it to him to say what would be a fair and just demand, under all the circumstances of the case. The documents submitted to the Queen's Advocate were the ship's manifest and other papers. The Queen's Advocate advised that the demand made on the Brazilian Government should be £3,200. He would not enter into the question of the value of the lives of the men or of the number who had been drowned or murdered; but there were fourteen or fifteen persons in the ship, and ten or eleven bodies were seen by the Brazilian authorities—he did not know how many were murdered; but the Queen's Advocate recommended the sum in question, so that some provision might be made for the families of those persons. The hon. Gentleman thought this extremely funny, and he laughed, and other hon. Members laughed with him—but how else was the claim to be settled? The Queen's Advocate recommended that the Government should demand a gross sum for the crew, who had either been murdered or shipwrecked, and the Government had adopted the fairest way of ascertaining that amount. If the demand was excessive, it was the fault of the Brazilian Government, who had refused to enter into the inquiry proposed. The hon. Gentleman asserted that the English merchants in Brazil thought that Her Majesty's Government had not behaved fairly and justly to the Government of Brazil. Now, in justice to Mr. Christie, he must be allowed to state that such was not the fact. [Mr. SEYMOUR FITZGERALD: I never said anything of the kind.] But the hon. Gentleman left the House to infer that the English merchants in Brazil were opposed to the policy pursued by Her Majesty's Government. It had been intimated that the signatures to the address to Mr. Christie

did not include the principal merchants in Brazil. Although it might not be signed by all of them, it was, he believed, signed by a majority of those who were really British merchants. Many of those who held aloof were not merchants at all, and others were not willing to mix themselves up with the dispute. British merchants abroad were sometimes rather selfish in such matters—they sometimes took rather peculiar views, and had peculiar reasons for their course of proceeding. It was said, that when a bird got loose from a cage, other birds would set upon him and kill him. So when a British merchant was injured, and came to the Foreign Office for redress, his fellow merchants immediately fell upon him, although each person, if the case had been his own, would have demanded the interposition of his Government. If the hon. Gentleman the Member for Lincoln (Mr. Bramley-Moore) could not get his claims upon a foreign Government speedily settled, no one would be more assiduous in his attendance at the Foreign Office. This conduct of the British merchants in Brazil was curiously illustrated in a despatch written by Lord Howden to Lord Palmerston in 1847. A great outrage was committed upon the embassy at Rio, when a slave girl was carried off by force. Lord Howden made strong representations to his Government; but the British merchants went against him, and Lord Howden wrote concerning the author of this outrage that he did not expect he would receive any punishment. He had many friends among the British merchants, Lord Howden said, because he owed them money. Lord Howden, in consequence of this opposition, did not receive, or expect to receive, the redress to which he was entitled.

The hon. Gentleman had then touched upon the award of the King of the Belgians in the matter of the officers of the *Forté*. Of course, Her Majesty's Government bowed to the decision of a monarch so justly and deservedly renowned for his wisdom and impartiality. The question put to the King of the Belgians was, whether any insult had been intended to the British navy by the treatment of the officers of the *Forté*. The King of the Belgians decided that no such insult was intended; but he (Mr. Layard) would defy any one to assert that the treatment these officers had personally received was not of a very gross nature; and if the Admiral on the station had not protested and demanded reparation, he would have failed in his duty.

In consequence of what had occurred, especially with reference to the *Prince of Wales*, Her Majesty's Government, having for more than a year endeavoured to obtain redress and failed, at last decided, with much pain, to make reprisals. The hon. Gentleman was in error in stating that no intimation was given to the Brazilian Government of the step which was about to be taken. On the 30th December Mr. Christie wrote to the Marquis d'Abrantes, and speaking in the past tense, and therefore referring to something which had taken place before, said—

"I informed your Excellency that I was instructed, if satisfaction was not given, to address myself to the Admiral, and I begged you to receive this communication in the spirit in which I made it, by no means intending to menace, having no instruction to give you this information beforehand, but hoping, by so doing on my own responsibility, to aid in averting disagreeable events."

That was a distinct refutation of the statement that Mr. Christie did not give the Brazilian Government an opportunity of offering satisfaction before the reprisals were made. Mr. Christie further said—

"Her Majesty's Government, though they earnestly hoped that their demands would have been acceded to, felt it right to provide for the possibility of refusal, and Admiral Warren, the Commander-in-Chief of Her Majesty's naval squadron on this station, will immediately proceed, under instructions with which he is furnished, to take steps for making reprisals on Brazilian property.

Admiral Warren will use every possible endeavour to execute his instructions so as to avoid a hostile conflict."

[“Hear, hear!”] The hon. Gentleman cried “Hear, hear!” and yet he had stated that no notice was given to the Brazilian Government that reprisals were intended.

MR. SEYMOUR FITZGERALD said, that what he stated was, that one vessel sailed on the evening of the 30th, and another on the morning of the 31st, and that this letter was not written until the 30th, and did not reach the Brazilian Minister until nine o'clock on the morning of the 31st.

MR. LAYARD said, that the hon. Gentlemen made a statement, and then went away from it.

MR. SEYMOUR FITZGERALD begged pardon. He did nothing of the kind.

MR. LAYARD said, that it was impossible to reply to the hon. Gentleman, who, when he found that he had been misinformed, evaded the statement which he had made. But even if the Marquis d'Abrantes had no opportunity to take any step after the receipt of this letter, it was clear from

it that Mr. Christie had previously informed him privately what was about to take place. And why did he do that? Because he was instructed to do so and to take no step which might lead to a hostile encounter with the Brazilian navy. The reprisals were so conducted as to make them as little offensive as possible to the Brazilian Government, and Admiral Warren deserved credit and not blame for the manner in which he carried out the instructions which he received from this country.

The hon. Gentleman had referred to the Aberdeen Act. All he would say was, that that Act was supported by Sir Robert Peel and some of the most distinguished Members of that House, and by none more eloquently than by Lord Chelmsford, then Sir Frederic Thesiger. No doubt, it was an extreme measure, but the case was one which required an extreme measure. We had had a treaty with the Brazilian Government for the suppression of the slave trade. That treaty had been constantly violated during its existence; and when it came to an end, Brazil refused to renew it. By an article in that treaty which was permanent in its operation, the slave trade was declared to be piracy; and yet, but for this Act, the Brazilians could and would at once have re-engaged in that infamous traffic. The hon. Gentleman asked, why did not we pass a similar Act with reference to Spain? The answer was simple. We had a treaty with Spain, and therefore could, under that treaty, call upon the Spaniards to assist in putting down the slave trade. Spain might not at all times act in the spirit of the treaty, but still she was bound by it. With Brazil we had no treaty, and she could the next day have engaged in the slave trade, and no doubt she would have done so. He ventured to say that there was no measure which had more contributed to the suppression of that traffic than had the Aberdeen Act, and he thought the hon. Gentleman must have been mistaken when he said that Lord Aberdeen had expressed his regret that he had passed it. No doubt, Lord Aberdeen might have said that he was sorry that he was compelled, by the conduct of the Brazilian Government, to take so unusual a proceeding as to pass an Act authorizing British cruisers to deal with the vessels of a foreign country in reference to the slave trade; but that he regretted it in the sense which the hon. Member had represented he did not believe. The hon. Gentleman stated that he had given an answer about

the claims convention with Brazil which was at variance with the facts. The hon. Gentleman had not condescended to tell him to what answer he had referred, but he (Mr. Layard) would venture to assert that no reply which he had given was at variance with the facts. The history of the Convention was simply this:—There were long-standing claims between this country and Brazil, and the two Governments entered into a Convention for their settlement. Those claims were understood to be claims of subjects, and not claims between the two Governments; but when the Commissioners met at Rio, the Brazilian Government endeavoured to re-open slave trade claims which had been decided by the Mixed Courts, whose decisions had by treaty been solemnly declared to be final. The British Government refused to accept this interpretation of the Convention. Certain words had been inserted by the Brazilian Government, which might by much straining favour it; but as the matter had been diplomatically discussed for years previously, they were well aware that the British Government would not consent to re-open the decision of the mixed Commissions. As neither side would give way, the Convention, having expired, had never been renewed, although we had offered to enter into a new one if the Brazilian Government would consent to limit the discussion to claims between persons, corporations, and companies—the description adopted in the first Convention. The hon. Gentleman had, in an almost unctuous tone, expressed his desire that amicable relations should be re-established between this country and Brazil. Well, if amicable relations were to be re-established (and he most sincerely and earnestly hoped that they would be, and that speedily), such a result would certainly not be promoted by the course which the hon. Gentleman had pursued. He was perfectly aware, from a statement which was made in another place a few evenings ago, that the King of Portugal had offered to mediate between this country and Brazil, and that Her Majesty's Government had signified their acceptance of that proposal. If anything could prevent the amicable adjustment of these difficulties, it was the course taken by the hon. Gentleman that night. For his own part, he was most sincerely and earnestly desirous that our relations with Brazil should be restored; but, at the same time, he was bound to say, that if Her Majesty's Government were again placed in similar

circumstances—more, he would venture to say, despite his disclaimer, that if a Government with which the hon. Gentleman was connected were placed in such circumstances—they would adopt a course precisely similar to that which had been pursued in this instance. Earnestly desirous as they were for the re-establishment of friendly relations between this country and Brazil, there was a duty which every Government was bound to perform—namely, to protect the lives and property of British subjects.

SIR HUGH CAIRNS: I can by no means concur with the hon. Gentleman who has just sat down in the opinion which he has expressed with reference to the course pursued by my hon. Friend. We have to-night had brought before us a question with reference to Brazil, by no means the same as that which was the subject of discussion upon a former evening. On that occasion we had a very elaborate comment upon the details and history of this wreck upon the coast of Brazil. My hon. Friend has to-night introduced the subject of the rupture of diplomatic relations between this country and Brazil, which has unfortunately occurred since that discussion, and has stated in detail the transactions which resulted in that rupture. I cannot help observing that the Under Secretary for Foreign Affairs seemed desirous to avoid the subject which is properly before the House, and anxious to revert to that discussion of a former evening with which this question is to a great extent unconnected. I will state frankly to the House my opinion upon the question of the wreck of the *Prince of Wales*. I did not take any part in the previous discussion on this question, and I will mention the reason why I did not. I read with a good deal of care the papers that had been laid before us, and I came to the conclusion with regard to the conduct of the Brazilian Government, that, unfortunately, while there were considerable professions on their part of bringing to justice those who had certainly been guilty of an offence on the coast of Albardao, they did not use that vigour and alacrity which we were entitled to expect from them. I make that confession very frankly, and I could not therefore be any party to the vote proposed on a former occasion; and could not agree in saying that there was not ground for her Majesty's Government interfering and complaining of the course taken by the Brazilian Government. But

there I stop. And I must be allowed to add this to what I have said, that I believe nobody who has read through impartially the correspondence between our representatives and the Brazilian Government can have come to any other conclusion but this—that although there was ground for strong remonstrance against the conduct of the Brazilian Government, yet the correspondence and negotiations were conducted by our representatives in a tone and temper which could not possibly lead to anything but irritation, ill-feeling, and finally a total estrangement on the part of the Brazilian Government. No man in the affairs of common life would have submitted to the disdainful, the contemptuous, the rude, I might say, the ungentlemanly tone in which that correspondence was conducted; and I am not at all surprised that it should have produced very great soreness and anger in the Brazilian Government. But I want the House to consider what was the result of the difference which we had with that Government. There were two questions between us and Brazil—one with regard to the officers of the *Forste*, and the other with regard to the *Prince of Wales*. I was rather astonished to hear the hon. Gentleman (Mr. Layard) talking again to-night of the officers of the *Forste*, and saying, "Was it to be tolerated that Her Majesty's Government should allow officers of our navy to be cast into a vile and filthy dungeon and subjected to every indignity?" Surely, if we referred that matter to arbitration, and submitted to an award which comes from a source to which no one can take exception, is it becoming in a Member of Her Majesty's Government to get up in the House of Commons and repeat those very accusations which have been disposed of by the award of the King of the Belgians, their own umpire? Could there be anything more unpleasant to the illustrious personage, the chosen arbitrator in this case, than to repeat the very charges which he finds to be unfounded? I must, Sir, correct a very grave inaccuracy of the hon. Member. He says the award is that no insult was intended to the British navy by the Brazilian officials. Now, that is not the award, and he surely cannot have read its terms if he thinks it is that. The award was, not that no insult was intended—which would be an easy way of riding off and covering what was done—but it was that no insult was offered; and that the hon. Gentleman omitted from his statement,

although it is the whole case. It would be easy enough for the arbitrator to say, "I do not believe, whatever was done, that anything wrong was intended, and therefore I give my award in favour of one side, and against the other." But the King of the Belgians went into the facts of the case, and what is his award is this—"We are of opinion that in the mode in which the laws of Brazil have been applied towards the English officers there was neither premeditation of offence nor offence." I must say, the hon. Member is surely incapable of understanding the difference between the expression he used and the expression used in the award if he really believes that they mean the same thing. The award is that no offence was offered to the British navy. Such offence could only have been offered in the person of the officers of the *Forte*. It is therefore an award that no offence—nothing of which complaint could be made—was offered to the officers in question. And yet the hon. Gentleman says they were cast into a vile and filthy dungeon and improperly treated, and that any Government would be utterly wanting in its duty if it did not resent such acts.

I come now to the case of the *Prince of Wales*; and I beg the House to consider how completely the Under Secretary rides off from the real question before us to-night. We have had information afforded us on this matter in a somewhat unusual way. I never knew of anything of the kind before. I never remember a memorandum being issued before by the Foreign Office in the nature of a speech or argument, and laid on the table of this House. It is not a despatch, but an argument called a memorandum, regarding the assessment of compensation in the case of the *Prince of Wales*. Although there is no precedent for it, it yet lets us see what has been passing in the mind of our Foreign Minister. What does this memorandum, the most extraordinary document ever presented to us, contain? It professes to be a justification of the Foreign Secretary, founded—upon what? Upon the facts of the case? Not at all; but upon the Queen's Advocate's assessment of compensation. It amounts to this—"I, the Foreign Secretary, acted in this way because the Queen's Advocate told me to do it." The Law Officers of the Government are now present, and I hope to have their assent when I say I demur entirely to the principle that the Government is to allege as its defence in the House of Commons the advice it received

from one of its Law Officers. The Law Officers are not directly responsible to the House of Commons, but they are responsible to the Government, and the Government are responsible to the House of Commons. This House, I apprehend, does not want to know what passed between the Government and their Law Officers. We want to know what the Government have done or are prepared to do, and what are the arguments on which they rest it. It is a novel and irregular proceeding for a Minister to lay on our table a document of this kind, saying, "You may think that what I have done was wrong, but it is what the Queen's Advocate advised me to do." I know of only one instance of the opinion of the Queen's Advocate being presented to this House, and that was in the case of the *Cagliari*—a case of a peculiar kind, one Government having gone out and another come in; and the views of the Law Officers of the one Government not being supposed to be concurred in by the Law Officers of the other, it was thought that for that reason the House of Commons should know the facts. That, however, is no precedent for what is done here. I confess, Sir, that if there ever was a case in which—not for the sake of Brazil, but for the honour of the House of Commons, and for the honour of this country—if there ever was a case in which we should examine narrowly the principle on which we have acted, it is this. National honour, I agree, should be maintained, and I yield to none in my desire to maintain it; but I protest that if we are to make national honour a thing which is to be compensated in pounds, shillings, and pence, we should take care that our demand for such compensation is founded on some intelligible principle. What does this memorandum say? I will not go into the ridiculous absurdity of talking of "possible murders," first calling them in one line "too probable murders," then calling them in the next line "possible murders," and then ending by a climax of folly in the demand of a certain sum for the possible murders of six men, and dividing that sum among the relatives not of those six men, but of ten or twelve of the crew who were shipwrecked. Of all the absurd propositions ever put in print that is the most absurd. It is so ridiculous that I do not like to dwell upon it. But what right was there, according to all that passed between our representatives in Brazil and the Brazilian Government, to make this question of possible murder a question of compen-

sation at all? When was it that that view of the case was taken? I look to the papers before the House, and I find that on the 30th December 1862—the very day before the reprisals are made—the reprisals which are to give effect to this demand—this is what Mr. Christie at Rio writes to the Marquis d'Abrantes—

"Your Excellency, in your yesterday's note, has strangely made a serious mistake in stating the demand of Her Majesty's Government in the case of the *Princes of Wales*. You speak of the indemnity demanded for the supposed assassinations. There is no such demand. Her Majesty's Government are, indeed, of opinion that there is the strongest presumptive proof of murder of the crew; but they have strictly confined their demand of indemnity to the property plundered. Strange as it is that such a mistake should be made by your Excellency in a matter of such importance, it is the more strange as I pointed out a similar mistake in the memorandum which you showed me on the 27th, and the mistake has been corrected in the copy enclosed in your note."

Therefore it comes to this, that on the day before our reprisals are made our Minister at Rio writes to the Brazilian Minister, and says, "You are making a most ridiculous mistake in imagining that we are talking about compensation for the supposed murder of the crew. There is nothing of the kind in the case. I wish to set you right on that score. We strictly confine our demand of indemnity to the property plundered." Well, the next morning the reprisals are made. Then say the Brazilian Government, "We are at your mercy. You are strong and we are weak. Our Minister in London must pay you whatever sum you choose to assess as compensation in respect to the demand you have made." Whereupon the Brazilian Minister in London comes and says, "I am ready to pay your demand." Then our Foreign Secretary refers the assessment of the compensation to the Queen's Advocate, and one of the first items in the Queen's Advocate's assessment is these very supposed murders for which Mr. Christie, the day before the reprisals took place, protested to the Brazilian Minister at Rio no demand of compensation was to be made. The hon. Gentleman the Secretary for Foreign Affairs was, therefore, rather rash in saying that my hon. Friend was renewing matters which are past and gone, and embarrassing the Government in their dealings with foreign Powers.

But I pass from this to a question of more serious moment. The noble Lord the Secretary for Foreign Affairs, after the diplomatic rupture with Brazil, explained

in a circular the reasons which had led to that rupture, and he was careful to say that it was a mistake to suppose that the only reason was the affairs of the *Prince of Wales* and the *Forte*, inasmuch as there were many standing grievances. This brings me to the subject of the Mixed Convention. When I asked a question in relation to that subject on a former occasion of the Secretary for Foreign Affairs, who was then in this House, I was told that the proceedings before the Convention were matters of negotiation, and that it would be improper to give any information on the point. We have now, however, heard that the Convention has been broken up. In the circular alluded to the Foreign Secretary said it was not out of place to refer to the position of the claims which it was originally proposed should be referred to the late Mixed Commission, the appointment of which appeared to be the best means of relieving the two Governments from embarrassing discussions respecting the private claims of their subjects, and that a conflicting interpretation of the terms of the Convention had become an insuperable barrier to the further labours of the Commission, which had therefore lapsed, according to the terms of the Convention. The House ought to know the history of the matter. There are always pending between this country and States like Brazil a great many claims of a diplomatic character leading to lengthened negotiations. There were a number of persons here, merchants in Manchester and various other commercial towns, who had claims on Brazil in respect of debts due from the Government of Brazil—claims arising in regard to goods imported into the country, and various matters of that kind. I have been told on good authority that the total amount of the claims of that kind on our part against Brazil was about £400,000. [An hon. MEMBER: £250,000.] Brazil, on the other hand, had a great many claims against us, and the Under Secretary for Foreign Affairs says correctly, that up to the time of the Mixed Convention agreed on these claims were the subject of constant demands on the part of that country. The claims were, I may add, of two kinds. There were, in the first place, the Brazilian claims arising out of transactions of a certain Mixed Convention which were agreed to by the Convention of 1826; and, in the second place, claims arising out of the action of the British Vice Admiralty Courts under the Aberdeen Act. It is a mistake to suppose



that these were claims made by the Government of Brazil as a Government; they were claims which they pressed on the part of individuals. The defending of the claims on one side and the other led to a good deal of unpleasant feeling, and it was extremely desirable that they should be settled. In 1857-8, accordingly, Lord Clarendon, who was then at the Foreign Office, proposed to Brazil a Convention, under which, as usual, a Mixed Convention should sit, composed of Brazilian and British subjects, with a third party as arbitrator to adjust the claims. After some negotiations the Convention was agreed to, and the preliminaries settled at Rio Janeiro. I hold in my hand the Convention, in which the following sentence occurs:—

"Whereas some of such claims are still pending, or are still considered by either Government to remain unsettled;" the Commissioners of the high contracting parties agree "that all those claims that may be presented by either Government for interposition since the date of the declaration of Independence by the Brazilian Empire, and still considered as remaining unsettled by the two Governments, shall be submitted to the Commission, and that their decision is to be final."

The Convention then goes on to point out how the Commission should sit, and to say that it was to last for two years. Well, that being so, what occurs? There were 51 British claims of the kind which I have described and 108 Brazilian. The Commission sat in Rio, under the inspection and with the consent of Mr. Scarlett, our Minister there, for a whole year—from March 1859 to March 1860. The result was that five British claims and eight Brazilian claims were adjudicated upon and allowed. On the 23rd of March 1860, however, Mr. Scarlett informed the Commission that he had received a despatch from home requiring him to suspend its further sitting. And what, let me ask, was the cause of this instruction being issued? The Government of this country said, "You are taking in as Brazilian claims some of those which have reference to the decision of the Mixed Commission under the Convention of 1826, and of the Vice Admiralty Courts under the Aberdeen Act." "These," argued Her Majesty's Government, "are not unsettled claims. We regard them as settled, and we shall not therefore allow them to be opened before the Commission." The words of the Convention, however, were "claims which yet remain unsettled, or which are considered to be unsettled by either Government." These words were clearly introduced to avoid all difficulty in

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the matter. I do not now say whether wisely or unwisely. But be that as it may, the Brazilian Government contended that the whole of the proceedings under the Act of 1826 were irregular; while, in regard to the proceedings under the Aberdeen Act, they maintained that they were unjust, and, whether rightly or wrongly, insisted on upholding their claims against the British Government. It is, I believe, perfectly well known, that not only did the Brazilian Government make these claims, but that there were no others. Is it, then, to be argued, in spite of the words I have read, that the Brazilians entered into the Convention merely to decide British claims, and not Brazilian claims? Mr. Scarlett, at all events, on the 23rd of March suspended the sittings of the Convention, notwithstanding that there was time to have gone on deciding on the claims. I therefore say it was broken up, and I wish the House to consider the importance of this fact with respect to our position. Observe how English merchants are affected by it. There are hon. Members present who are aware of the great injury which has been sustained by English merchants in consequence of their well-founded claims not having been enforced. Here, then, I say, is a Convention which would have been enforced, but for the proceedings taken by Her Majesty's Government; and I want to know what course they mean to take with reference to the claims on Brazil—both those allowed under the Convention and those which were not allowed to be taken up under the Convention at all? I want the House to consider how this country has been placed with reference to Brazil by these proceedings. Yet the Under Secretary for Foreign Affairs actually announces it as a grievance against Brazil that this construction had been put on that Convention. Was it, I ask, far-fetched, wrong, or improper to allege such a construction that the Convention was to entertain all claims which either Government considered unsettled? Yet that was announced as one of the grievances against the Brazilian Government that they had adopted that construction. I am not at all surprised that the Government do not like the renewal of these discussions about Brazil. The more one hears of them, the more one must feel ashamed of the part which this country has taken, and of the manner in which these negotiations have been conducted. I say it not by way of exaggeration, but I do not believe that

this Government, or any Government, would have ventured to a strong Power to take the course they have taken in regard to this Convention. If we had a Convention with the United States or France containing such a stipulation, we should not have dared to take such a course. I do not think it could have been done; but Brazil, being a weak Power, we have done so in her case. I do not desire to see this Government, even in the case of a weak Power, submitting to indignity; but I do look with sorrow more than anger, when I see a Government, powerful and able to perpetrate injustice with impunity in regard to a weak Power, taking the course we have taken with Brazil. Although I am of opinion that the Brazilian Government were wrong with regard to the wreck of the *Prince of Wales*, and the attempt they made to bring to justice those by whom injustice was committed, still I look at the steps we took in the matter with regret and sorrow, and with still greater regret at the ridiculous and absurd course we adopted as to assessing compensation. I look on our proceedings in regard to the Mixed Convention as utterly unjustifiable, regretting them not only for the sake of British merchants, who seem to have lost the only prospect there was of obtaining their just claims, but still more because I believe that the pretext of these proceedings was unjust.

THE SOLICITOR GENERAL: Sir, The statements which have been urged on the other side during the present debate are, to a very considerable extent, repetitions of those which were made on a former occasion; but we have at last obtained the very fair and candid statement of my hon. and learned Friend (Sir H. Cairns), that, in his opinion, the British Government were justified in exacting redress from the Brazilian Government. But, he said, there are some circumstances, as to the way in which it had been exacted, which had not received sufficient consideration from the Secretary of State. I will endeavour to recapitulate some of these points. But I must first advert to the pertinacious way in which the hon. Member for Horsham (Mr. S. FitzGerald) constantly goes back to the original idea that we were totally wrong from beginning to end, and that there was no cause whatever for any proceeding at all. None are so blind as those who will not see. The hon. Gentleman says, that looking to these papers, he sees nothing but the

sinking of a vessel on the coast of Brazil, and some articles washed ashore and collected as if for safe custody in the only house near; and that this is the foundation of the whole story. Now, on a former occasion, we proved out of the letters of the police officers and other authorities of the Brazilian Government itself the whole of our case as to the sacking of the vessel and the complicity of the authorities. In a letter from one of the principal officers of the Brazilian Government to another—who was not in communication with us at all—it is stated, page 16, “the cargo of the barque was all sacked.” Who was responsible for that statement? Brazil, certainly. Yet, the hon. Gentleman thinks he is doing justice to his own position in the country and to the country itself when he takes pleasure in accusing his own Government, in the face of such a confession—*habemus confitentem reos*—on the other side. Another officer of the Brazilian Government says that almost all the inhabitants of the coast were implicated in the business. What does Admiral Warren say? He knew the coast, the weather, and the facts. He says, page 97, “That the ship’s longboat was found with the oars in it;” the seamen’s chests were close by, broken open and empty, and the paper linings not wet; the hull of the vessel was seen half a league off, apparently at anchor, she not having then broken up—and, in short, his conclusion is, that as a matter of fact the boats had been used to bring the cargo on shore. Yet, the hon. Gentleman comes down to the House and gravely reads the ship’s manifest, solemnly assuring the House that there were certain things that would not swim, and that the things that would swim were only worth a very small sum. Well, we did not need to be told that iron would not swim; but the theory, that nothing could be stolen except what would float, is the hon. Gentleman’s, and not Admiral Warren’s, or ours. I now come to another point—the question of arbitration. The hon. Member for Horsham said there was an evident impropriety in the proceedings with regard to arbitration. He referred to the Declaration made at Paris, that it was expedient that arbitration should be resorted to rather than recourse should be had to arms. But were we unwilling that there should be arbitration? On the contrary, we were willing to act on the principle of the Declaration of Paris, and on the 8th of October Lord Russell authorized Mr. Christie, if the principle of

responsibility were admitted by the Brazilian Government, to propose an arbitration as to the amount. On the 4th of November, he went further, and said, in effect—"We don't take that view of the merits of the case which would make it incumbent on us to be the first parties to refer the whole matter to arbitration, but they may do so." And how did Mr. Christie act? On the 5th December he wrote, demanding compensation, and stated that £5,000 was the sum which the owner claimed for cargo and freight—not what the British Government claimed—and he said that they were willing that the amount should be referred to arbitration. What could be more reasonable than to wait for the Brazilian authorities to say, "We do not admit as a matter of fact that we are wrong, or that we failed in our duty; will you refer that to arbitration?" Mr. Christie was authorized in that case to say, "Yes;" but the Brazilian Government did not admit the principle of their responsibility under any circumstances. Then, with regard to another point, I heard, with some surprise, from my hon. and learned Friend (Sir H. Cairns), in effect, that no fair notice of making reprisals was given to the Brazilian Government, who, he said, were prepared to yield upon the slightest demonstration of force. The notice of reprisals was given long before. On the 22nd of December Mr. Christie told the Marquis d'Abrantes frankly and distinctly what would happen in case the Brazilian Government persisted in refusing satisfaction, and the Marquis took until the 29th to consider his answer, which was, in effect, that we might proceed to a forcible demonstration if we pleased. The Marquis said nothing about the demonstration being *pro forma*. What he said was this—

"In the name, therefore, of the Government of His Majesty the Emperor, as regards the claim concerning the shipwreck of the barque *Prince of Wales*, since Mr. Christie, not allowing and disregarding all the considerations and proofs alleged on the part of the Imperial Government, and in justification of its proceedings, and those of the subaltern authorities, insists upon a pecuniary indemnification for the losses and damages of that shipwreck, I have the honour to declare to him, 1. That the Government of His Majesty the Emperor neither can nor ought to accede to the principle of responsibility attributed to it, and against which it loudly and categorically protests. 2. That it peremptorily refuses to consent or intervene in the proposed liquidation of the losses suffered by the owners of the shipwrecked barque, and in the demanded indemnification for the supposed assassinations. 3. Finally, that if obliged to yield to force in this pecuniary question, it

*The Solicitor General*

will pay, under protest also against the violence that may be offered to it, any sum that Mr. Christie or the Government of Her Britannic Majesty may choose to demand."

That does not seem at all like saying, "Do something which may be taken to be an act of force, and then we will pay." On the contrary, it seems to me to intimate that the Brazilian Government will only yield at the last moment. Then it is said that the reprisals were made in an improper manner. The reprisals were made in the mildest way possible, and were not persevered in a moment after the money was paid;—and when the hon. Member for Horsham talks of the distinction between reprisals and war, I really do not understand what he means. Every act of reprisal is war *pro tanto*, and the Government against whom it is exercised may, if they think fit, treat it as war. Now, I come to the observation which has been made by several hon. Members, that they never saw anything so strange in all their lives as the document of the Queen's Advocate in advising as to the amount of compensation. I agree that it is highly inconvenient that papers of this sort should be extorted from the Government by the urgency of those who ought to know better than insist on their production. But it was Lord Malmesbury, Lord Derby's Secretary of State for Foreign Affairs, whose urgency and importunity led to the opportunity of criticising the opinion of the Queen's Advocate; and it may be a lesson to my noble Friend not to yield with too great facility to the urgency of Lord Malmesbury in future. After all, a great deal more has been made of this part of the subject than the circumstances warrant. Mr. Christie, on the 30th of December, disclaimed any demand on the ground of the murders, which were not proved, and confined his demand to compensation for cargo and freight. However strong the presumption, and however perfect our moral conviction, that the murders did take place, yet in the absence of proof it was not then considered a point to be directly charged home to the Brazilian Government. But when they declined to go into the amount at all, and the Government at home had to consider what they should demand, the Government felt, that provided the total amount was not excessive or unreasonable, they might well take into account, for the purpose of the distribution to be made, the loss sustained by persons who were dependent upon the murdered seamen for existence. I believe

that the total demand was very moderate, even if the Government had not in view a distribution of any part among the relatives of these men; and but for the document extracted by Lord Malmesbury in the way I have mentioned, nobody would have ever heard of that as an element in fixing the amount of the claim. I pass over that, and I come to the observation of my hon. and learned Friend (Sir Hugh Cairns) upon the Under Secretary of State, the justice of which I cannot admit. He said, with respect to my hon. Friend the Under Secretary, that he had repeated the complaint which has been disposed of by the King of the Belgians. The single question referred to the King of the Belgians was whether in the mode of applying the laws of Brazil to the officers of the *Forte* there had been any offence to the British navy. My hon. Friend did not say that there had. He did not dispute the award. He did not say that any offence was intended. He said, in point of fact, that those who were officers were treated in a manner which, if they were not officers, would be fairly matter of complaint. That these officers had been treated with considerable indignity, the award itself admitted. Then it was said that the reprisals were made on both grounds, and that one ground failed. I thought we were about to embark in a legal argument. I remembered a celebrated case in the House of Lords, "*Regina v. O'Connell*," in which a great political personage escaped his sentence upon the point that the punishment must be apportioned on the whole of the counts. I thought we should have heard that the reprisals must be set aside, because they were taken on both grounds, and the King of the Belgians had decided that as to the officers of the *Forte* we were wrong. That might be a very good argument in a court of law in dealing with the counts of an indictment; but it is not a good argument in dealing with the law of nations, when the mere fact of the introduction of other claims cannot deprive us of the right to make reprisals if we have any just ground for doing so. I have said all that is necessary to be said on this portion of the case; but as the hon. and learned Member for Belfast (Sir Hugh Cairns) introduced another important matter, and dwelt with considerable force on the circumstances connected with the late Convention, I think it is quite necessary to vindicate the Government from

the charge of bad faith as to that matter. The real facts are these. In 1858 a Convention was agreed to on the terms which my hon. and learned Friend has mentioned. I quite agree, that however inadvertently, improperly, or unwisely those terms were settled as they were, it was necessary to act upon them in good faith, if they were acted upon in good faith by the other side. But when the Brazilian Government attempted to make use of wide and loose expressions to justify a demand to have all the claims that had ever existed ripped open, on the ground that they considered them unsettled, notwithstanding that former Conventions, as solemn as this Convention, had solemnly settled them, we insisted that such could not be the meaning of the Convention, and I can show the House that, without any imputation upon us of bad faith, the Government had a direct, plain, and legitimate escape from what I may almost call so dishonest an attempt to misinterpret the terms of the agreement. The first meeting under that Convention took place on the 10th of March 1859, and the time for completing the labours of the Commissioners was limited (unless extended by consent) to two years from that date; so that it would expire on the 10th of March 1861. There were some questions not provided for, such as interest, upon which a reference to this country had to be made; and so much time was consumed, that on the 20th of March 1860, a year before the date at which the Convention would expire, the Brazilian Minister in London applied to Lord John Russell, and asked for an extension of time. But what had happened during the interval, and what were the circumstances when an extension of time was asked for? There had been brought forward, on the part of Brazil, a large number of claims to the extent of £2,000,000. My hon. and learned Friend is not correctly informed when he says that no claims were made on the part of Brazilians, excepting those to the principle of which the British Government objected. Among the claims that were put forward by Brazil was one not connected at all with the slave trade, but with the sale of a ship in America to a Brazilian merchant, which vessel was detained in London under a bottomry bond for money advanced to a previous owner. There was also a claim for the destruction of a barracoen in Africa. There were also eight or more claims for

seizures of vessels before the Aberdeen Act—cases which had never been brought before the Mixed Commission Courts, and which therefore had never been decided nor adjudicated upon. Those were all claims which were admissible in principle. Besides those, there were also some other claims for compensation awarded, and which from accidental circumstances had remained unpaid, in respect of ships restored by the Mixed Commission Courts. But what were the claims to the principle of which the British Government objected? There was a large number of claims in respect of slave ships condemned for piracy under Lord Aberdeen's Act which were never gone into; these were claims which were never brought forward so as to bring the two Governments to issue upon them; and there were also numerous other cases upon which the Mixed Commission Courts had actually decided under the terms of the Treaty of 1826. By that treaty it was provided that the Mixed Commission Courts should judge of all the cases submitted to it without appeal. The 9th article of that treaty provided that when any party interested should imagine that he had cause of complaint of injustice on the part of the Mixed Commission Court, he should represent the same to his Government, the two Governments respectively reserving to themselves the right of mutual correspondence as to the removal, if either should think fit, of the individuals composing the Mixed Commission. Nothing could be clearer than the compact, that the decisions of those Mixed Commission Courts should be final; and if individuals thought they had a ground for complaint, the remedy was a correspondence between the Governments to remove the Judges. How could any one honestly represent claims, decided by those Courts under that treaty many years ago, as being still, in 1860, "considered," by either party, to be open questions? How could any one honestly put forth those claims as unsettled questions on the part of Brazilian corporations, companies, or individuals, against the British Government? I say, that in good faith, nothing of the kind could be represented; and when the point was first raised, that was the opinion of the Commissioners. But my hon. and learned Friend says there had been discussions between the two Governments upon that subject. There had, and the history of those discussions shows how inconsistent and opposed to

good faith on the part of the Brazilian Government was the attempt to represent these claims as being still considered, in 1860, unsettled questions. Those discussions had continued from 1831 to 1840, and they had come to an end before the passing of the Aberdeen Act. Two letters were written about 1839 by two Brazilian Ministers, M. Lisboa and another, in which they at last admitted the finality of the decisions. In the course of those discussions it was proposed by the Brazilian Government to refer these matters to the arbitration of a third Power. Our reply was, that "Her Majesty's Government will not refer to anybody the question whether the Brazilian Government should or should not abide by the engagements into which it has entered with Great Britain under the stipulation of a treaty." Nothing could be final, if the decisions in those cases were not final. I say they could not honestly be put forth by Brazil as open questions; and is it to be said that we were bound not to allow the Convention of 1859 to expire, when we found them putting that interpretation upon the treaty? I say that a more flagrant attempt to take an undue advantage cannot be conceived—because the case had been given up by two Brazilian Ministers before 1840. I would ask the House to attend to what took place upon this subject which led to the suspension of the meetings of the Commissioners. Soon after the Commission met, one of these claims was brought forward by Brazil, and it was decided that the Commissioners could not take cognizance of it, because it had been already adjudicated upon by one of the Mixed Commission Courts under the Treaty of 1826. But afterwards the Brazilian Commissioner did not adhere to that decision, and Mr. Morgan, the British Commissioner, was over-persuaded to take a different view, and he reported what had taken place to his own Government. By the terms of the Convention, if the British and the Brazilian Commissioners could not agree, they were each in turn to nominate an umpire; so, as the Brazilian claims were by far the more numerous, the Brazilian Commissioners could nominate a Brazilian umpire in a large majority of the cases, and he would have the power of reversing, at that distance of time, the solemn determinations of those Courts, whose decisions were declared to be final by the former treaty. One

of these claims was actually allowed—and how does the House think the compensation was assessed? It was actually done by considering and inquiring how many slaves the ship might have exported from Africa to Brazil, and the value of that cargo of slaves was given. Thus the claim was founded upon the ground that the Mixed Commission Court had wrongly decided that the case was one of slaving, and yet the damages were awarded upon the calculation of what would have been the value of a cargo of slaves. If the Government had permitted that kind of thing to go on, the consequence would have been, that in more than one-half of the cases decided by the Courts we should have had to pay for all the slaves that the vessels might have carried to Brazil. What, then, would have been said by other countries with which we had treaties for the suppression of the slave trade? I say again, the attempt to bring forward such claims on the part of Brazil was really contrary to good faith. We therefore allowed the Commission to expire, but we offered to renew the Convention if they would renew it on terms consistent with good faith to the British Government in this respect. They would not. We have offered to renew it upon the basis of abiding by all actual decisions, and they will not. With respect to the other class of cases, those under the Aberdeen Act, I say now, as I said when I sat upon the other side of the House, that nothing can be clearer than that there was no violation of international law in the passing of that Act. By the Treaty of 1826 the Brazilian Government gave us certain rights in the matter. The first clause of that treaty provided that—

“At the expiration of three years, to be reckoned from the exchange of the ratifications of the present treaty, it shall not be lawful for the subjects of the Emperor of Brazil to be concerned in the carrying on of the African slave trade under any pretext or in any manner whatever, and the carrying on of such trade after that period by any person, subject of His Imperial Majesty, shall be deemed and treated as piracy.”

This clause was perpetual; the subsequent clauses, which regulated for a limited period the manner of proceeding before the Mixed Commission Courts in slave-trade cases, were temporary. The Brazilian Government, after some years, gave us notice that they would not renew this temporary part of the treaty; but two years before its expiration Lord Aberdeen had given them notice, that if the Mixed Commission Courts should come to an end

through any want of co-operation, it would remain for Her Majesty's Government to apply their own means to carry out the duty imposed upon them in the first article. The account which Lord Aberdeen gave of the treaty, in a speech of his, was that it had been systematically violated from the period of its conclusion up to the time at which he spoke, and that cargoes of slaves had been landed in open day at various ports, notwithstanding the efforts of our cruisers to prevent them. All that the Aberdeen Act did, was to provide that our Admiralty courts should have power to deal with these slave trade cases, which the Government of Brazil, by the permanent article of the treaty, expressly gave us the right to treat as cases of piracy, and no claim whatever had ever been made against the British Government founded on the manner in which our courts proceeding under that Act had carried out its provisions. The sole objection had always been to the principle of the Act, which was a question between the two nations; and no notice was ever, before the Convention of 1859, given to the British Government of the existence of any claims on the part of any corporations, companies, or individuals in Brazil, founded upon the proceedings of British cruisers, or on the decisions of British Courts of Admiralty, under that Act.

MR. HENLEY said, that some rather curious remarks had been made in the course of the debate, and none more curious than those in the speech of the hon. and learned Gentleman who had introduced an episode concerning the Mixed Commission. Why that should have been brought forward he did not know, unless it was to show the *animus* which existed between the two Governments before the affair of the *Prince of Wales* and the *Forfe*. It would appear, however, that very ill-blood existed, when the Foreign Secretary raked up all these old questions about the slave trade, and commented upon them in a debate upon recent transactions. That was little likely to bring about that good feeling between the two countries which all must desire to see. He had understood that such matters were dead and buried, and it was not well to dig up dead men if they were really dead. He did not understand the definition of the hon. and learned Gentleman of the Convention of Paris, by which it was agreed—wisely or not he did not pretend to say—that national quarrels should be referred

to arbitration before they went to the extremity of war or reprisals. The hon. and learned Gentleman said the question could not be referred until the Brazilian Government admitted responsibility, and he added that the Brazilian Government ought to enforce their own laws. That was denied by them; and was not that a question capable of being arbitrated upon? He did not see the use of arbitration if one party said to the arbitrator, "I will settle the facts, and then we will have an arbitration as to the amount of damages you shall pay." The facts were just as much a matter for arbitration as the amount of damages. If that were to be the interpretation to be put upon the Treaty of Paris, they had better not follow it. If the computation made by the Queen's Advocate, that so much money should be paid to the relatives of persons "possibly murdered" were not curious enough of itself, the explanation given by the hon. and learned Gentleman was still more curious. He seemed to say, that as long as the whole claim made was not greater than the damage sustained by the unfortunate merchants, there was no reason why it should not be spread over as many items as they liked. The hon. and learned Gentleman's argument was something like this. The merchant has lost so much; his goods may have been stolen, and we will not claim more than will cover the amount of his loss; but we will not give it all to him—we will give a certain amount to the families of those who were drowned or murdered. That was a curious illustration of a curious document. He was extremely sorry to hear the hon. and learned Gentleman follow the Under Secretary in his comments on the arbitration of the King of the Belgians. He thought, that when a matter was referred to arbitration, the parties should accept that arbitration and say nothing about it. The hon. and learned Gentleman said, "It is very true that the arbitration was given against us; and though our officers may have been treated in a manner that was in accordance with Brazilian law, yet still they were treated in a manner that gave us a right to complain." Now, that was a strong observation for a Member of the Government to make. The law of Brazil was very likely bad; but if the officers were treated according to it, and a high person had said that no insult had been given, the Government had no right to comment in that House on the transaction. He would like to know if some

*Mr. Henley*

French officers were to come here in plain clothes and should be taken up by the police, would any one say that the French navy was insulted because those officers got into the station-house? There ought to have been no more said upon the matter of the insult to our navy.

**THE SOLICITOR GENERAL:** We accepted the arbitration—that there was no offence intended to the British navy.

**MR. HENLEY** wished to know, then, what was the use of saying that the officers were badly used? He thought that this had been a most unfortunate business, and that we had cause of complaint in the beginning. However, the episode about the unhappy Mixed Commission showed that there had been more ill-feeling than people were aware of, and he feared that the comments that had that night been made by Members of the Government would not tend to smooth down those feelings; because it must be recollected that things said by the Members of a Government had far greater weight abroad than anything spoken by private Members in that House.

**MR. MONCKTON MILNES:** If this question had been confined to the conduct of Her Majesty's Government in their foreign policy, I should not have interfered in the matter, thinking that they were very well able to defend themselves; but in the course of the discussion the personal conduct of Her Majesty's representative in Brazil has been as much in question as the conduct of Her Majesty's Government themselves; and I therefore rise to say a few words for the purpose of placing Mr. Christie's conduct in a fair light before the House and the country. I agree with the right hon. Gentleman (Mr. Henley) who has said that those events would not have occurred unless it had been for the disagreeable, painful, almost inimical state of feelings which had existed between this country and Brazil. I think every Member of this House will agree with me that not only at the time Mr. Christie went to Brazil, but even long before Sir James Hudson went there, the animus of Brazil towards this country was such as would have placed the two countries in a very unfavourable position to discuss any matter of an obnoxious character that might arise between them. My hon. Friend below me has adverted to what is called the Aberdeen Act; and I think it is the general opinion here that the Act known by that name was of so peculiar a character, and interfered so much with

Brazil, that it was impossible it should not create ill-will in that country. At the present moment, of course, it would be totally out of place to go into the circumstances which produced that Act. They, again, depend on that long conflict which has been waged for so many years against the slave trade, in which my noble Friend at the head of the Government has taken so leading and consistent a part, and which it is impossible to carry out without some danger of offending or interfering with the prejudices of other countries. Therefore, we see that all through this question the Brazilian Government have not been inclined to make the best of the matter. If the original circumstances connected with this wreck had taken place in any country with which England was on really friendly terms, there would have been very little difficulty in settling it. If such an occurrence had taken place on a part of our coast where lawless proceedings took place in times past, would not our Government have come forward and at once offered to arrange matters in a satisfactory manner? But from the language which Mr. Christie felt himself obliged to hold at an early stage of the discussion, we see he felt himself compelled to arrive at the conclusion that the Brazilian Government was not disposed to do justice, and that restitution was to be avoided if possible. If hon. Members will consult the papers, they will find that Mr. Christie spared no pains to come on good terms with the Brazilian Government, and to arrange the dispute in the best manner he could. They will find that he waited a whole month for instructions. Having some doubts of the murders himself, he waited a month to be convinced of them. Again they will find that he gave the Marquis d'Abrantes private information of his instructions, and allowed a week's additional time for consideration. They will find that immediately after notice of reprisals had been given, and before a single vessel had been taken, he intimated to the Brazilian Government, that if they proposed arbitration, it would be accepted. I am authorized by Mr. Christie to say he took every means in his power to give the Brazilian Government to understand that those reprisals were not a mere threat, but that he had positive instructions from his Government, under certain circumstances, to order them, and that he was no willing agent in the matter. It may be said that it would have been wise for Earl Russell himself to propose arbitration; but Mr.

Christie had no power to propose arbitration. All the authority he had was to give every opportunity to the Brazilian Government to propose arbitration, and, if they should do so, to say he was empowered to accept it. Therefore, I say there is no foundation for the unjust accusation that Mr. Christie unnecessarily enforced strong measures against the Government of Brazil. We may from this question draw a wider lesson than it at first sight seems to contain. We may gather from it that it is very difficult for one of our representatives to defend the interests of England in a foreign country in presence of mercantile interests which may not be ready to support him when he does so. What would have been said of Mr. Christie if he had allowed such things to occur without making a sufficient remonstrance? Every allowance ought to be made for an English agent who has to defend at one and the same time the national interests of England and the interests of an English mercantile community in a foreign country; for if, in maintaining the former, he takes any measures which may have the effect of disturbing the latter, the chances are that he will incur considerable blame. It is my opinion that Mr. Christie deserves the approval of the country, and not the treatment which he has received at the hands of some hon. Gentlemen in this House. He is a diplomatic agent of long service under several Ministries, from whom he has received the highest approbation for his tact, judgment, and ability. In this case, whatever hardships may have taken place have occurred solely in consequence of the instructions which Mr. Christie received, and I have thought it a duty to him as a personal friend, and a duty to the House and the country, not to remain silent and allow his character to be aspersed, and his services as a diplomatic agent to be underrated.

MR. BRAMLEY-MOORE said, he could not agree that the hon. Gentleman the Under Secretary had given an accurate account of the treatment of the officers, and he could show that many of the statements of Mr. Christie were erroneous, especially those in which he contradicted the statements he (Mr. Bramley-Moore) had made in that House. For example, he was prepared to make good his statements with respect to the feeling of the British merchants at Rio de Janeiro, and to show that the document of which the Government boasted did not contain a fair representation



of the feelings of the wealth, intelligence, and majority in number of those merchants. In giving a list of the merchants an amusing mistake had been made. The document published set forth certain signatures as being the names of "principal partners," whereas those who were so represented had only signed "*per procuration*," and the "*p.p.*" before their names was translated by the Foreign Office "principal partners." He felt convinced that the crew of the *Prince of Wales* were not murdered, but drowned. In a gale of wind it was impossible that a boat could land on that part of the coast, especially if, as was stated, the boat had barrels of nails in it. It was of importance to bear in mind the statement of Mr. Stevens on this point. He said—

"I have ascertained that the captain, his wife, and crew landed safely with his boats on the Brazilian territory, with his British flag, chronometer, nautical instruments, log book, clearance, and his British register in his pocket, with provisions, and all other necessaries except fire-arms or weapons of defence. These were all taken possession of, and the captain and the crew were immediately plundered and murdered, and four of the crew, who escaped about four miles inland, were then murdered and partially plundered, and their nationality, as well as that of the ship, attempted to be destroyed."

It would, of course, be supposed that the writer had substantial grounds for this statement, but his only authority was that of the master of the *Hermia*, a vessel which was wrecked in the same gale, and the crew of which were saved by the Brazilians themselves. There was no evidence of the crew of the *Prince of Wales* having been murdered, and, in his opinion, it was impossible for them to reach the shore alive. He had heard with pleasure the statement, that through the mediation of Portugal friendly relations with Brazil would probably be restored. But the Aberdeen Act would always remain a grievance to Brazil so long as it was unrepealed. Now, in 1845, at the passing of this Act, Lord Aberdeen said he would undertake to propose its repeal on certain conditions; and afterwards the exertions of the Brazilian Government to put down the slave trade so won his good opinion, that he declared that these conditions had been fulfilled, and that the time had come for the repeal of this obnoxious measure. If the step were now taken, as it well might, when the Brazilian Government had given such evidence of their sincerity, the relations between the two countries would be put on a proper footing. Since 1851, no slaves had been imported into Rio, and the

Brazilian Government had been successful in suppressing the slave trade. Not only so, but there was a society in Rio for buying the freedom of slaves born in the country, especially the freedom of women. The Emperor himself was at the head of this society, and large contributions were made towards it by His Majesty and the citizens. If the Brazilian Government were to be treated in this manner, why not apply the same rule to Spain and other countries? It was well known that upwards of 30,000 slaves had been imported into Cuba during the last year; and why was not a stop put to that? He thought that the English Government might show some magnanimity, and say, that as they appeared to be in the wrong in one case, it was possible they might be wrong in the other, and so express a willingness, even now, to refer the case to arbitration. Of course, the Brazilian Government would not go to war with us; but they might impose differential duties upon British manufactures. They were not entirely dependent on British manufactures, for the continental manufactures now competed with us in every foreign market throughout the world. If the Brazilian Government were now to impose differential duties upon British manufactures, it would be a serious calamity to the manufacturing districts. He hoped a magnanimous course would be pursued by the noble Lord at the head of the Government, and that thus amicable relations between the two countries would be restored.

Amendment, by leave, *withdrawn*.

#### THE LICENSING SYSTEM. RESOLUTION.

MR. LAWSON rose to move —

"That, in the opinion of this House, the Laws under which Licences are granted for the sale of Intoxicating Liquors are eminently unsatisfactory and deficient in power to protect the public, and therefore require immediate alteration."

He said, he knew the House had an objection to abstract propositions, but no one could dispute the first part of the Resolution; and if it were opposed, it must be on some such ground as this—that this was not the proper time for bringing it forward. He brought it forward, however, as a basis for future legislation. The present system had been condemned by all political authorities, by numerous Committees of that House, and by public opinion. The Chancellor of the Exche-

quer had declared he had no confidence whatever in the present system of licensing public-houses; and on another occasion a correspondent of the right hon. Gentleman was informed that Mr. Gladstone was gratified to see that the faults of the licensing system were admitted. Notwithstanding all that, the system had remained nearly the same for the last thirty years. One alteration had been made by the Beer Act, and another by the Chancellor of the Exchequer when he introduced the new system of wine licences. There were three different classes of reformers who professed to deal with the present system. The first class were those who were in favour of what they called "open trade," and who went on the principle, that the more the facilities for drunkenness, the less drunkenness there would be. The great promoters of that view were the gentlemen of the Inland Revenue Office, who thought the great object for which man was sent into the world was to consume duty-paid liquor. The Commissioners of Inland Revenue say they have made great exertions to extend beer-shops, but that they find themselves constantly opposed by clergymen and magistrates; and so astonished were they at this, that they placed a note of admiration after the sentence. Magistrates were commissioned to keep the peace, and clergymen were appointed to teach morality, and yet places were by law established which neutralized the efforts of both. Such was the "open trade" party; and he feared the Chancellor of the Exchequer was sometimes influenced by them, though at other times he spoke like a statesman, when he got free from the trammels of the Inland Revenue Office, and raised his soul above his money-bags. The second party was the "regulation party," who expected to do good by raising what they called "the moral tone," of the beerhouse-keepers—but that would be a very difficult thing. The worth of a house might be found out, but there would be some difficulty in finding what the worth of a man was. The third party were those who recommended measures for the gradual suppression of the consumption of intoxicating liquors. That party was hardly represented in that House, but it was an increasing party. What was the course taken by the Government during the present Session with regard to the licensing system? At the beginning of the Session he asked the Home Secretary, who promised last year that a Bill on the same

subject should be introduced in the present, what he was going to do; and the right hon. Gentleman said he was waiting until the Liverpool Licensing Bill should be discussed. That Bill was thrown out, and then the right hon. Gentleman stated that on that account he should not bring in any Bill at all. After that a deputation from Liverpool waited on the Chancellor of the Exchequer, the Home Secretary, and the President of the Poor Law Board, and they reported as the result of that interview, that a general election was near, and in their opinion the Government would not deal with the question, in the fear that what they did might be used against them for electioneering purposes. If the Government agreed to the Resolution, he would regard their assent as a pledge that they desired to deal with the question; and if they opposed the Resolution, he would still think that the question stood in a better position, for the Government might then be taken to have pronounced an opinion that the present system was satisfactory. Under those circumstances, it would be open to any hon. Gentleman to bring in a Bill next year, and to prove that the public were dissatisfied with the existing system. He asked the House to agree to the Resolution with the view to strengthen the heads of Her Majesty's Government in dealing with the question, to carry out the Resolutions of its own Committees, and to lead the way to some alteration of the enormous evils which the present system inflicts on the country.

#### Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "in the opinion of this House the Laws under which Licences are granted for the sale of Intoxicating Liquors are eminently unsatisfactory and deficient in power to protect the public, and therefore require immediate alteration,"—(*Mr. Lawson*,)  
—instead thereof.

THE CHANCELLOR OF THE EXCHEQUER said, that at that time of the night and at that period of the Session he did not think there was any inducement to take the steps recommended by the hon. Gentleman. Neither was he prepared to accede to the justice of the hon. Gentleman's general statement, that all parties concurred in denouncing the licensing laws. The hon. Member had described the gentlemen of the Inland Revenue Department as being a kind of impersonation of the evil principle on earth, and thought that the course pursued by the Government, so far

as it was influenced by that body, aimed simply at the extension of intoxication, with the view of augmenting the revenue. It was impossible for any one to be more pure in his motives than the hon. Gentleman, and, at the same time, to make a charge more entirely unjust. He believed that both the Government and the officers of the Inland Revenue Department agreed with the hon. Gentleman in his object, but differed as to the means. All in that House were anxious to diminish intoxication, which they regarded as a great social and moral evil; but the hon. Gentleman had a degree of faith in restrictive and prohibitory measures which others did not share. The hon. Gentleman, though he thought that the Government under the influence of the Inland Revenue Department adopted a pernicious course of proceeding, must admit that by the successive augmentations of the duty on spirits, which had, on the proposal of the Government, taken place during the last ten years, the consumption of spirits had been greatly reduced. This result was owing, no doubt, in a considerable degree to an improvement in the habits and morals of the people; but the great augmentation in the price of the article had also been a great agent in effecting that diminution. Without again entering into an argument against abstract Resolutions in general, he might observe that for the House to adopt this particular abstract Resolution would only be to practise a delusion on themselves. He did not know what the hon. Gentleman meant by the regulation party; but there was a party favourable to opening the trade and trusting to a strict police, the licence charges, and the present heavy duty on spirits, for keeping the consumption of spirits within bounds. Another party wished to proceed by prohibition, both parties agreeing as to the end, but differing as to the means. If they differed as to the means, let them on the floor of that House urge their views temperately; but let them not, with fundamental differences, agree in using vague expressions which presented to others the appearance of concurrence when there was no concurrence at all. He saw no use of joining with his hon. Friend in this Resolution, when they would come to loggerheads immediately afterwards. If he supported the Motion, it would be with a view to amending the present law by getting rid of the arbitrary system and establishing a more open one; while his hon. Friend, on the other hand, would have in contempla-

tion the abolition of the present law for the purpose of substituting one approximating as near as possible to the absolute prohibition of the sale of spirituous liquors. Abstract Resolutions were bad, but delusive Resolutions, where one party meant one thing and one another, were still worse. For these reasons, he hoped his hon. Friend would not press his Motion; but if he did, he must vote against it.

MR. NEWDEGATE said, that the House was very much indebted to the hon. Member for bringing this question under its notice. There certainly was a general concurrence of opinion that some amendment of the licensing laws was expedient; and if the House had any function at all, it was to frame laws that should be for the public benefit. There was no subject on which there was so general a concurrence of opinion among the magistracy as on this. As a magistrate acting for two counties, he could answer for the wishes of the magistrates of his district. The right hon. Gentleman said that abstract Resolutions were of no use; but they had had a sample of the manner in which the attempt of an independent Member to regulate the sale of liquors on Sundays had been received. He confessed that he had heard with regret the elaborate condemnation by the Chancellor of the Exchequer of abstract Resolutions, and that he had not held out the slightest prospect that either he or the Government would devote their attention to this subject. There was no limitation to the number of houses that might be licensed for the sale of beer, whether regard was had to area or to population. The general feeling was that some new regulation was desirable on this subject, and, as a means of expressing an opinion upon this subject, he should vote with the hon. Member if he went to a division.

LORD FERMOY believed, that as the country was not prepared to go the length advocated by the hon. Member for Carlisle (Mr. Lawson), any departure from the present system must be in the direction of free trade, and he had some doubts as to the advantage of such a change. It was impossible to prevent intemperance by legislation, however stringent; and if our working men were greater sinners in this respect than those of other countries, it was because no provision was made for their rational amusement. He opposed the Resolution, as it could do no good.

MR. W. E. FORSTER said, he should vote for the Motion, although he did not

agree in the special views of his hon. Friend. But there was a general opinion that the licensing system was in an unsatisfactory state. There were three kinds of licences—the spirit licence, the beer licence, and the wine licence. The present licensing system had been condemned by the country; but as nothing could be done this Session, he hoped his hon. Friend would not press his Motion to a division.

SIR PATRICK O'BRIEN said, the system of licensing was not generally acceptable to the public. There was a general opinion that the licensing system should be under the police regulation, and should not be in the hands of the magistrates.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 87; Noes 21: Majority 66.

#### PURCHASE OF PICTURES FOR THE NATIONAL GALLERY.

##### OBSERVATIONS.

MR. CAVENDISH BENTINCK said, he rose to call attention to a recent purchase by the Trustees of the National Gallery of a picture which was in a damaged condition, which was obviously not by the Master to whom it was attributed (Bellini), and for which six hundred guineas were paid. A companion picture, in much better condition, and altogether a better picture, was purchased at the same time by Mr. Baring for £250. He did not wish to raise a discussion on the merits of that picture, but wanted to point out that it was the duty of the Trustees to take care not to buy at large prices any but genuine pictures in a good condition, and pictures well known in the history of art. He wished to ask whether it was not desirable to discontinue the practice of acquiring at a high price pictures which are not authentic works of the masters to whom they are attributed, and which are in a damaged condition.

MR. PEEL said, he believed his hon. Friend was a good authority on matters of taste, but he must say that on this occasion his criticism was misapplied. He (Mr. Peel) placed more confidence in the Director of the National Gallery, who was responsible to the nation for the pictures he purchased. With regard to this particular picture, there was no doubt

whatever that it was painted some time from 1450 to 1460, which was during the time that Bellini lived, and the best authorities were of opinion that it was painted by Bellini himself, and that was the opinion of Sir Charles Eastlake. With regard to the picture being in bad condition, Sir Charles Eastlake informed him that the only injury was to a portion of the sky, and that the picture was in a very good state of preservation; and with regard to the price, before it was purchased the Trustees asked Sir Charles Eastlake what he thought it would fetch, and he said between £500 and £600. It was bought for 600 guineas; so that he did not think they had been much deceived as to the price.

MR. CONINGHAM said, he did not believe the picture was by Bellini, and it was certainly in a damaged condition. Sir Charles Eastlake had a stipend as Director of the National Gallery, and travelling expenses, yet he allowed pictures to be sold at home under his nose for small sums which he afterwards bought at extravagant prices for the National Gallery. No time should be lost in turning the Royal Academy out of Trafalgar Square. ["Question!"] That was the question when they were buying new pictures, and could not find room for them. The Royal Academy had received the promise of a site, and that was all they were entitled to. Let them go to South Kensington, where their wealthy patrons lived.

Main Question put, and agreed to.

##### SUPPLY.

SUPPLY considered in Committee.

House resumed.

Committee report Progress; to sit again To-morrow.

#### UNION RELIEF AID ACTS CONTINUANCE BILL.—[BILL 236].—CONSIDERATION.

Bill, as amended, considered.

MR. CHILDERS moved the addition of the following clause:—

"So much of the 62nd section of the Act of the 4 & 5 Will. IV., c. 76, as provides that the aggregate amount of money expended in any one year in and about the emigration of poor persons having settlements in any parish shall not exceed one-half the average yearly poor-rate raised in the parish during the three preceding years, shall be suspended during the continuance of this Act."

Clause—

(So much of the sixty-second section of the Act of the fourth and fifth William the Fourth, chapter

seventy-six, as provides that the aggregate amount of money expended in any one year in and about the emigration of poor persons having settlements in any parish shall not exceed one-half the average yearly poor rate raised in the parish during the three preceding years, shall be suspended during the continuance of this Act, with respect to all parishes within the operation thereof.)—(*Mr. Childers*.)

—*brought up*, and read 1°.

MR. C. P. VILLIERS said, that this clause was unnecessary, because parishes did not exercise the power which they now possessed of expending an amount equal to one-half the poor rate upon emigration; and it might operate mischievously by leading persons who desired to emigrate to think that they could attain their object by throwing themselves upon the rates. The means now at the disposal of the guardians for this purpose amounted in Ashton to £21,000; Preston, £22,000; Oldham, £22,000; Rochdale, £11,000. He hoped that the hon. Gentleman would not press this clause.

MR. FERRAND understood the President of the Poor Law Board to state the other morning that the £200,000 which was to be borrowed under this Bill might, if the guardians pleased, be applied to the promotion of emigration. What harm, therefore, could this clause do?

MR. C. P. VILLIERS said, that what he stated was that the money raised under this Bill might be applied to emigration, in the same proportion as the funds now at the disposal of the guardians.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived*.

Bill to be read 3° *To-morrow*.

#### COMPANIES CLAUSES (*re-committed*) BILL.

[BILL 229.] COMMITTEE.

Bill *considered* in Committee, and the several clauses were *agreed to*.

MR. HASSARD moved the addition of a clause requiring companies possessing borrowing powers to make an annual Return to Parliament of the capital which they had raised. His object was to prevent the recurrence of cases like that of the West Hartlepool Company, or any similar violation of the provision that companies should not raise money on debentures or mortgage until one-half of their capital was paid up.

MR. MILNER GIBSON said, that this Bill was only intended to consolidate the clauses which were commonly inserted

in Companies Bills; and he did not think that it would be right to introduce into it a provision of this importance.

Clause *negatived*.

#### TURNPIKE ACTS CONTINUANCE, &c. BILL.

[BILL 228.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to*

Clause 2 (Continuation of Acts, except 10 G. 4. c. xviii., 11 G. 4. c. lxxxviii., 1 W. 4. c. i., 1 W. 4. c. xxviii., 1 W. 4. c. xlii., 1 & 2 W. 4. c. xli).

MR. R. HODGSON proposed to omit reference to the Tynemouth Act.

Amendment proposed,

At the end of the Clause, to add the words "and an Act of the same year, chapter seventy-two, 'for more effectually repairing the Road from North Shields, in the county of Northumberland, to the town of Newcastle upon Tyne, and certain Branches communicating therewith; and also for making and repairing additional Branches of Road.'"—(*Mr. Richard Hodgson*.)

MR. INGHAM supported the Amendment; MR. HEADLAM and others opposed it.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 22; Noes 44: Majority 22.

Bill *reported*; as amended, to be considered *To-morrow*.

#### STATUTE LAW REVISION BILL (*Lords*).

[BILL 233.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*The Solicitor General*.)

MR. HENNESSY moved that the Bill be read a second time on this day two months, with a view to its being considered next Session in a Select Committee. He also expressed an opinion that it was an infringement of the Commons' privileges for the House of Lords to send down such a Bill, referring as it did largely to questions of religion, trade, and taxation.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day two months."—(*Mr. Hennessy*.)

THE SOLICITOR GENERAL said, that the work of revision had been carefully done, but it must be taken on trust.

It was in the power of any hon. Member to prevent any such measure passing, but he doubted whether the hon. and learned Gentleman used his influence well, in obstructing a Bill which, if it became law, would reflect credit upon the Session. He proposed to set down the Bill for Committee on Wednesday next.

MR. BENTINCK supported the Amendment, and said he was authorized by the right hon. Gentleman the Member for Oxfordshire to state that he also was opposed to the Bill passing the present Session.

MR. LYGON said no possible harm could accrue from delay.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 45; Noes 16: Majority 29.

Main Question put, and *agreed to*.

Bill read 2<sup>d</sup>, and *committed for Wednesday next*.

POISONED GRAIN, &c. PROHIBITION  
(*re-committed*) BILL—[BILL 223.]

COMMITTEE.

Order for Committee read.

MR. PAULL moved that the House go into Committee on this Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR FITZROY KELLY moved that it be committed that day two months. He regarded the measure as a great interference with the rights of people to protect their property and comfort against any kind of vermin.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day two months, resolve itself into the said Committee,"—(*Sir Fitzroy Kelly*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. AYRTON said, there ought to be some limit to the time of sitting. It was now half past two. He moved that the House adjourn.

Motion made, and Question proposed, "That this House do now adjourn."

VISCOUNT GALWAY hoped the House would not adjourn. They had really had

no late nights this Session. He was surprised at the hon. Member for the Tower Hamlets. As to the Bill itself, it was a useful measure, and he trusted it would be passed.

MR. CRAWFORD said, he was in favour of the adjournment of the House.

Motion, by leave, *withdrawn*.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Penalty for selling poisoned Grain or Seed).

SIR FITZROY KELLY moved an Amendment, the object of which was to make an exception in favour of the manufacturer of "Barber's poisoned wheat for destroying mice and sparrows on the spot." This compound, as Mr. Barber himself would verify, would not destroy anything larger than a mouse or sparrow. The effect of this Bill would be to ruin Mr. Barber's trade.

Amendment proposed, in line 13, after the word "life," to insert the words "save as hereafter mentioned."—(*Sir Fitzroy Kelly*).

Question proposed, "That those words be there inserted."

MR. PAULL quoted from the trade advertisement of Mr. Barber to show that the poison was of a very deadly character. The effect therein described as happening to the sparrows was just what happened to the rooks and the pigeons.

MR. PAGET opposed the Bill, and moved that the Chairman report Progress.

MR. CLIVE objected to the proposed exemption, because he did not believe that there was any one so ingenious as to have invented a poison which would kill a sparrow and would not injure a young partridge.

MR. H. A. BRUCE opposed the clause, and suggested that it be omitted.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Paget*).

The Committee *divided*:—Ayes 22; Noes 32: Majority 10.

Question put, "That those words be there inserted."

The Committee divided: — Aye 1; Noes 37: Majority 36.

House resumed.

Bill reported; as amended, to be considered To-morrow.

# ANCHORS AND CHAIN CABLES BILL.

[BILL 95.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. AYRTON suggested that it was quite time to adjourn, and moved to report Progress.

MR. KNATCHBULL HUGESSEN said, the House was positively disreputable.

MR. FERRAND protested against the way in which the Government had endeavoured to shelve this important Bill.

MR. MILNER GIBSON deprecated the 'business of the House being conducted in this way. If a majority persisted in passing the clauses at this hour, he should be free to take what course he pleased on the third reading.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Ayrton.)

The Committee divided:—Ayes 20; Noes 27: Majority 7.

Notice taken, that 40 Members were not present;—Committee counted, and 40 Members not being present:

Mr. Speaker resumed the Chair.

House counted, and 40 Members not being present:

House adjourned at a quarter before Four o'clock in the morning.

## HOUSE OF LORDS,

Friday, July 17, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Fortifications (Provision for Expenses)\* (No. 225); Nuisances Removal Act (1855) Amendment\* (No. 226).

*Second Reading*—Vaccination (Scotland)\* (No. 193); India Stock\* (No. 223); Sydney Branch Mint\* (No. 217).

*Committee*—Prisons (Ireland)\* (No. 195); Pier and Harbour Orders Confirmation\* (No. 220); Alterations in Judges Circuits [H.L.]\* (No. 212); Greenwich Hospital (Provision for Widows)\* (No. 207); Metropolitan Main Drainage Extension\* (No. 208); Misappropriation by Servants\* (No. 204); Clergymen (Colonies) [H.L.]\* (No. 205).

*Report*—Harwich Harbour\* (No. 174); Howth Harbour\* (No. 180); Prisons (Ireland)\*; Alterations in Judges Circuits [H.L.]\*; Greenwich Hospital (Provision for Widows)\*; Metropolitan Main Drainage Extension\*; Misappropriation by Servants\* (No. 227); Savings Banks Acts Amendment\* (No. 221); Stipendiary Magistrates\* (No. 223); Clergymen (Colonies) [H.L.]\* (No. 228); Port Erin Harbour (Isle of Man)\* (No. 169).

*Third Reading*—Removal of Irish Poor\* (No. 218); Growing Crops Seizure (Ireland)\* (No. 209); Land Drainage (Provisional Orders)\* (No. 160); Marriages Registration (Ireland)\* (No. 219); Colonial Acts Confirmation [H.L.]\* (No. 213); and severally passed.

## PROVISIONAL ORDERS, INCLOSURE AND LAND DRAINAGE ACTS.

STANDING ORDER MOVED.

THE EARL OF DONOUGHMORE rose to move the adoption of a new Standing Order in relation to Provisional Orders under the Inclosure Acts, or under the Land Drainage (1861) Act. The noble Earl said, that it was not by any means his wish to preclude those who had any objections to urge against any Provisional Order from being heard before the Committee; but under the existing system there was no security that great injustice might not be done to the promoters of these orders by their modification behind their backs, and the insertion of conditions which would deprive them of all their value. In the case of an inclosure of land near London a few years ago, a Select Committee of the House of Commons inserted a provision that fifty acres of land should be set apart as a recreation ground.

Moved,

"That when a Petition is presented to this House, praying to be heard by Counsel against any Provisional Order under the Inclosure Acts, or under the Land Drainage Act, 1861, contained or referred to in any Bill before this House, such Bill may be referred to a Select Committee, and the Committee may hear the Petitioners, the Inclosure Commissioners if they shall think fit to appear, and such Persons as shall appear in support of said Provisional Order; and the Committee may, if they think fit, recommend that such Provisional Order be not confirmed, but the Committee shall not in any way modify or alter the terms of such Order."

LORD REDESDALE must oppose the proposition of the noble Earl, as at variance with the principles upon which private Bill legislation was conducted, and likely to be injurious both to the promoters and opponents of this class of Bills. It would operate unfairly to promoters, because Committees might be induced to reject their Bills simply because they had not

power to insert Amendments which they thought necessary; and it might affect opponents equally injuriously, by leading Committees to reject necessary Amendments rather than throw out the Bills. Alterations were not made in these Bills behind the backs of the promoters, as the noble Earl seemed to imagine. In the very case to which he had referred, the promoters strongly opposed, before the Committee of the House of Commons, the modifications which were proposed.

THE MARQUESS OF BATH said, there was a distinction between the Orders under the Inclosure and those under the Drainage Acts.

LORD WODEHOUSE said, he certainly thought some such provision as that suggested by his noble Friend ought to be adopted, for many of these schemes were introduced into Parliament by common consent, and any *ex parte* alterations which were subsequently made were, in fact, a violation of that consent, and hence a great injustice to the original parties to the scheme.

LORD STANLEY OF ALDERLEY said, that great inconvenience might be the result of the Resolution, no matter how desirable its operation might be in some respects.

LORD REDESDALE observed, that any scheme upon which a Bill was founded must always be understood by the parties to be subject to such provisions and changes as Parliament might think fit to adopt respecting it.

THE EARL OF HARROWBY said, that something in the nature of a "Wharnccliffe Meeting" might be introduced to prevent the evil that had been suggested.

THE EARL OF DONOUGHMORE said, that after that expression of opinion from their Lordships, he would withdraw his Motion; but he still hoped that something would be done to avoid the danger of orders being made behind the backs of the parties affected by them.

Motion (by leave of the House) withdrawn.

#### JUDICIAL STATISTICS (IRELAND).

THE MARQUESS OF CLANRICARDE, in pursuance of notice, rose to move Resolutions to the effect that it is expedient and necessary that Judicial Statistics from Ireland, similar to those for England and Wales, should be annually furnished. The noble Marquess said that it was unneces-

sary to use a single argument to prove the utility of these statistics; and when his noble and learned Friend Lord Brougham moved his Resolution in 1856, by which he had added another to his many claims on the gratitude of the country for services rendered, there was no idea of restricting the statistics to England and Wales. The noble Earl the President of the Council announced in 1861 that thereafter the information would be presented from Ireland as well as from England and Wales; and when his noble and learned Friend (Lord Brougham) was presiding over the Juridical Department of the Social Science Congress in Dublin, he congratulated the people of Ireland upon that announcement. He made no complaint against the noble Earl or his Colleagues; but he did complain of the legal advisers of the Irish Government and other high functionaries in Ireland for having abstained from taking any efficient steps to collect these statistics, and he thought that their disregard of the character and credit of the Lord President, and their disregard of the wishes of their Lordships, ought not to be tolerated. There was pressing necessity for having the information, and he felt some confidence that their Lordships would adopt these Resolutions, by which the benefit of the system of judicial statistics would no longer be withheld from Ireland. The noble Marquess concluded by moving to resolve—

"That in the Session of 1856 this House resolved that 'a Department for the Collection of Judicial Statistics should be formed in connection with the Home Office,' and 'should make an Annual Report to Parliament at a stated Time, presenting Returns in a collective Form illustrative of the State and Progress of the Administration of the Law throughout the United Kingdom:'"

"That, accordingly, such a Report and Return have been annually presented to Parliament since the Year 1858 for England and Wales, and contains Information of the greatest Value:

"That notwithstanding the Resolution of 1856, and a Pledge given by Ministers in Debate upon the Subject in July 1861, no similar Report has been made from Ireland:

"That it is expedient and necessary that Judicial Statistics from Ireland, similar to those for England and Wales, and to be presented at the same Time, should be annually furnished; and with that view it is necessary that a Person acquainted with the Irish Courts and otherwise competent should be attached to the Home Office, and that all possible Facilities and Co-operation should be afforded to this Officer by the several Authorities in Dublin Castle and the various Law Courts of Ireland."

EARL GRANVILLE hoped that their



Lordships would not assume either that there were no statistics in Ireland, or that there had been any premeditated opposition by the legal authorities there to the furnishing of them. The delay—which he regretted—had occurred mainly from a desire to make the statistics as complete as possible and reduced into a form in which they should be most available for public use. He understood it was the opinion of the gentleman who had charge of the collection of those statistics that certain improvements could be made on the English plan, and that the delay was, at least to some extent, attributable to a desire that those improvements should be carried out. But as he was not able to give his noble Friend as satisfactory a reply as he could have wished, he should not oppose the Motion if his noble Friend would consent to omit from his third Resolution the words, “and to be presented at the same time,” and the words which declared that a person acquainted with the Irish courts should be attached to the Home Office.

LORD BROUGHAM expressed his concurrence in what had been said by his noble Friend who had introduced the subject. He believed, that if proper judicial statistics had been furnished from Ireland, every shadow of opposition to the Incumbered Estates Court would have been removed in less than a year after the establishment of that tribunal. As he was speaking on the subject of statistics, he could not but mention the name of an illustrious man whose services in the advancement of statistical knowledge had been most important, but had not received the public acknowledgment to which they were entitled—he meant his late Royal Highness the Prince Consort, one of whose great measures was the International Statistical Congress. It was held three or four years ago, and brought together from various parts of the Continent, as was his Royal Highness's wish and design, men who contributed most valuable information. That congress had a most admirable effect, not only in showing the advantages of a good system of statistics, the superiority of the judicial statistics of some countries—France, for instance—as compared with others, and the means by which judicial statistics could be improved—it not only produced that important effect, but it led to a conciliatory intercourse between persons of knowledge and experience from various nations; and this, like other measures of His Royal Highness, had the

effect of creating goodwill among different countries, and the members of different communities, and bringing about what we prayed for daily—“the unity, peace, and concord” of all nations. He could not mention the name of His Royal Highness without bearing his testimony to the great services which the Prince Consort had rendered this country and Europe, and humanity at large, by his wise and useful designs for the general advancement. His Royal Highness must be admitted to have been a remarkable man. He had lived before his age; he had lived in advance of his age; and all his measures—all the measures of various kinds which either he originated himself or supported when they were originated by others—had been not only beneficial to this country, but to the general peace and good understanding of mankind. He might say that he had never known a man of sounder judgment. He had known another man of sound judgment—of a judgment that hardly ever failed—he meant his late illustrious Friend the great Duke of Wellington, who, with an unprecedented acuteness and singular perspicacity, had a judgment which was never at fault, so that his advice might always be followed with safety and advantage. His was a judgment which no misinformation, no false or erroneous intelligence ever misled, which no prejudice ever biassed, which no passion or feeling ever warped. Those two men—the Prince and the Duke—of them it might be truly said that the Prince was an example—a bright example—to all Sovereigns, and the Duke a bright example to all statesmen.

THE EARL OF DONOUGHMORE said, it was desirable that these Returns should be produced without delay—if not this Session, at least early next Session. There were complaints that the Irish Judges had arranged their circuits so as not to give sufficient time for the consideration of the cases that came before them. If those Judges were reduced in number, and required to work as hard as their brethren did in England, the public would be better satisfied with the way in which justice was administered.

Motion amended, and agreed to.

*Resolved,*

That in the Session of 1856 this House resolved that “a Department for the Collection of Judicial Statistics should be formed in connection with the Home Office,” and “should make an Annual Report to Parliament at a stated Time, presenting Returns in a collective Form illustra-

tive of the State and Progress of the Administration of the Law throughout the United Kingdom :—"

That, accordingly, such a Report and Return have been annually presented to Parliament since the year 1868 for England and Wales, and contains information of the greatest value :

That notwithstanding the Resolution of 1856, and a Pledge given by Ministers in Debate upon the Subject in July 1861, no similar Report has been made from Ireland :

That it is expedient and necessary that Judicial Statistics from Ireland, similar to those for England and Wales, should be annually furnished.

#### THE ROYAL IRISH ACADEMY.

##### QUESTION.

LORD TALBOT DE MALAHIDE said, that last year a Commission was issued to inquire into the working of the Royal Dublin Society and other institutions. In several of the suggestions made by that Commission he fully concurred ; but one of them—that the Royal Irish Academy should be placed under the control of the Royal Dublin Society—had given rise to a great deal of complaint among those connected with the former establishment. The Royal Irish Academy had existed for a great number of years, its object being partly of a scientific and partly of a literary character, and it had highly distinguished itself in both characters. The Royal Dublin Society was formed for the purpose of advancing the industrial interests of Ireland, and it had done much to improve its agriculture. Hitherto no antagonism had arisen between the two Societies, their objects being distinct ; and as there existed among scientific and literary men a considerable amount—not of quarrelsomeness, but of biliousness—no step should be taken which would be likely to irritate them. He asked, therefore, the noble Earl the President of the Council, Whether it is the intention of Her Majesty's Government to carry out the Recommendation of the Commissioners on the System of Scientific Instruction in Ireland, to affiliate the Royal Irish Academy to the Royal Dublin Society, and to place it under the control of that body ?

EARL GRANVILLE said, that in a very able Report which had been made by these Commissioners last year the suggestion alluded to had been made. At the same time, the Government, having heard from the Lord Lieutenant reasons why it was not desirable to adopt that suggestion, had determined not to carry out this portion of the Report.

#### THE NEW DOCK AT MALTA.

##### QUESTION.

THE EARL OF SHREWSBURY said, he rose to ask a Question of the noble Duke the First Lord of the Admiralty respecting the proposed dock at Malta ; but, in order to make himself intelligible, he would state as nearly as he could the present condition of the works at that dock. He understood that an agreement had been made between the Imperial Government and the Government of Malta for the construction of a dock, and the understanding was that each was to pay a moiety of £125,000 or £126,000, which was the estimated cost. It was further agreed, that if in carrying out these works this estimate should be exceeded by 30 per cent, the Government of Malta should only defray one-third of the excess ; and if the estimate were still further exceeded, the whole additional expenditure was to fall upon the Imperial Government. He understood that, according to the present plan, the dock would be in a most inconvenient position. It would be at a distance of two miles from the dockyard, and the opinion of naval officers was almost unanimous against the erection of the dock in such a spot, and at an expense which it was believed would largely exceed the estimate. The only naval opinion in favour of the new dock was that given by Sir Frederick Grey, who, he understood, had only seen it for a few hours ; while unfavourable opinions had been given by Sir William Parker, Admiral Codrington, and the Admiral Superintendent of Malta. He regretted that the papers on this subject, which were ordered six weeks ago, had not yet been laid on the table. He wished to ask the noble Duke, Whether, in his opinion, the site of the new dock was superior to that of the French Creek, and whether, in face of the opinions against it, the Government intended to carry out the agreement with the Council of Malta ?

THE DUKE OF SOMERSET said, that a good deal of alarm appeared to be felt in the Council at Malta, and in the mercantile community there, lest, under pressure of certain Members of the House of Commons, the Government having entered into an engagement, should be about to violate it. The Government, however, would adhere strictly to their engagement. About the year 1857 great desire was felt by the Admiralty to increase the harbour accommodation at Malta ; and in 1858 an en-

deavour was made to obtain from the local Government of Malta further accommodation in the harbour. The mercantile community refused to part with the French Creek; but Sir Gaspard le Marchant made further efforts to obtain it, and in 1859 the Council agreed to give up the French Creek to the English Government on certain conditions, which were mutually agreed to. The harbour was to be extended, and the upper portion deepened, and about 120 acres were to be given up to the mercantile shipping. When the necessary works were completed, the Admiralty were to be allowed to take possession of the French Creek. The agreement with the Maltese Government was made in May 1859. When he came into office in July 1859, the subject was mentioned to him by Sir John Pakington. He thereupon examined all the papers, and had the benefit of the advice of Sir Richard Dundas. The great advantage of getting possession of the French Creek was very apparent, and he communicated with Sir Gaspard le Marchant on the subject in the hope of obtaining possession of it at an earlier period. The feeling of the people of Malta was, however, very strong, and Her Majesty's Government adopted the Resolution as passed by the Council of Malta, with some modifications, whereby the Council agreed to pay a larger portion of the expenditure. The subject was brought before the House of Commons in the Session following. A plan was laid before the House, and a small Vote taken, so as to enable the House to pass an opinion on the scheme. The Vote was agreed to. That having been done, he considered himself bound to carry out the engagement with the Government of Malta. Part of the arrangement was to surround the works with a stone wall. It was necessary to excavate the stone, and it had been suggested that in doing so a small basin might be formed, which was likely to be of great use for gunboats and small vessels. The suggestion seemed to him to be a good one, and the basin when formed would be surrounded by wharfs, which would be of great advantage to the shipping generally. He could assure the noble Earl that he intended faithfully to carry out the engagement made with the Governor of Malta. No doubt the new dock was not so useful as the French Creek, and the Government would make a dock there also when they got possession of the French Creek. He should be sorry to commit

*The Duke of Somerset*

himself to the exact amount of the expenditure to be incurred, as in works carried on under water so much depended on the nature of the soil.

House adjourned at a quarter past Seven o'clock, to Monday next, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Friday, July 17, 1863.*

MINUTES.]—SUPPLY—considered in Committee—POST OFFICE PACKET SERVICE.

WAYS AND MEANS—considered in Committee.

SELECT COMMITTEE—Ecclesiastical Commission, Report [No. 457].

PUBLIC BILLS—Resolution in Committee—New Zealand (Guarantee of Loan).

First Reading—Colonial Acts Confirmation (Lords) \* [Bill 250].

Second Reading—Indemnity \*; Colonial Letters Patent (Lords) \* [Bill 237].

Committee—Expiring Laws Continuance [Bill 238]; Petty Sessions (Ireland) \* [Bill 236]; Pauper Lunatic Asylums \* [Bill 234].

Report—Expiring Laws Continuance; Petty Sessions (Ireland) \*; Pauper Lunatic Asylums \*.

Considered as amended—Railways Clauses \* [Bill 230]; Waterworks Clauses [Bill 222]; Turnpike Acts Continuance, &c. \* [Bill 228]; Poisoned Grain, &c. Prohibition \* [Bill 223].

Third Reading—Union Relief Aid Acts Continuance \* [Bill 236]; Companies Clauses \* [Bill 229]; Turnpike Trusts Arrangements \* [Bill 227]; and severally passed.

## NEW ZEALAND LOAN.

### OBSERVATIONS.

SIR JOHN TRELAWNY said, that a Resolution providing a Guarantee for a Loan to New Zealand had been agreed to very late last night, and he trusted that the Report would not be brought up later than ten o'clock that evening, in order that hon. Members might have a fair opportunity of discussing it.

MR. CHICHESTER FORTESCUE said, that when he introduced the Bill founded on the Resolution, he would fix the second reading for such a period as would enable hon. Members to discuss the question fully.

SIR HENRY WILLOUGHBY asked, whether the Government would object to produce any Papers which they had in regard to the New Zealand Guarantee, for the information of Members.

MR. CHICHESTER FORTESCUE said, that the information required to justify the measure of the Government lay within a very narrow compass, and there

was no need for the production of Papers. He would make a statement on a future stage of the measure, which he hoped would satisfy the hon. Gentleman.

#### COST OF EMBASSIES, &c.

##### QUESTION.

MR. DODSON said, he wished to ask the Under Secretary of State for Foreign Affairs, When the Returns relating to the cost of Embassies, Missions, and Political Agencies, in answer to the Address of the 1st of June, will be presented?

MR. LAYARD replied, that the Department of the Foreign Office were doing their best to prepare the Returns, but he feared they would not be ready before the prorogation of Parliament.

#### THE MAILS VIA PANAMA.

##### QUESTION.

MR. HENRY SEYMOUR said, he rose to ask the Secretary to the Admiralty, Whether it is true that a bag containing the Despatches from the Admiralty to the Admiral on the station at Vancouver's Island was abstracted from on board the United States Steamer in its passage from Panama; and whether, in the absence of safe postal communication, the Admiral was not under the necessity of employing a Government War Steamer to carry the Despatches to Panama; and whether the Government were not obliged, on the occasion of the *Trent* Affair, to send the Despatches to the Admiral on the Pacific station at Vancouver's Island round by Cape Horn?

LORD CLARENCE PAGET said, in reply, that in 1858 an arrangement was made by which the mail-bags from Vancouver's Island were brought to Panama by way of San Francisco by American Packets. In the following year there were two occasions on which the bags were mislaid, not abstracted. One bag arrived after some delay complete. In the case of the other, part of the letters turned up, but some never came to hand at all. He had not heard of any similar affair later than these two. With regard to the latter part of the question, the despatches to the Admiral at Vancouver's Island were not sent by way of Cape Horn because of distrust of the other route. On the contrary, the Despatches were sent *via* Panama, and duplicates were sent by Cape Horn, in the *Devastation*, which was going out with re-

inforcements. The Despatches sent by Panama arrived safe at their destination.

MR. HENRY SEYMOUR: By American steamers?

LORD CLARENCE PAGET: Yes.

#### PRIVATE BILL LEGISLATION.

##### QUESTION.

MR. R. HODGSON said, he would beg to ask the President of the Board of Trade, What course he intends to pursue with reference to the Report and Resolutions of the Private Bill Legislation Committee?

MR. MILNER GIBSON, in reply, said, the Committee on Private Bill Legislation had come to a number of Resolutions. Two of the principles of these were recommendations that Bills should be brought in for the purpose of facilitating Private Bill Legislation. The first related to a class of Bills which were already before the House and had already passed through Committee. The Bill to which the second Resolution referred, which would enable persons without coming to Parliament for a special Act to do certain things, was under preparation. It required, however, great care, and it would not be possible to get it ready for the present Session. There were some other Resolutions which, to give them effect, required the co-operation of the other House of Parliament. He thought, with respect to this, it would be better to wait until the evidence had been considered and they had an opportunity of knowing what would be done by the other House. With regard to the remaining Resolutions which related exclusively to fees and other matters exclusively within the jurisdiction of the House itself, they were under consideration; but he had not yet been able to make up his mind as to the best and most useful course to take.

SIR JAMES FERGUSSON: Are we to understand that no action will be taken on these Resolutions this Session?

MR. MILNER GIBSON: I do not say that; neither do I say the reverse. I say that it is under consideration.

SIR JAMES FERGUSSON: I think we ought to know within what time any action will be taken upon these Resolutions.

MR. MILNER GIBSON: I trust I shall be able to state on Tuesday next positively what course will be taken.

#### RETIRING PENSIONS FOR COLONIAL GOVERNORS.—QUESTION.

SIR JOHN PAKINGTON said, he

wished to ask the Under Secretary of State for the Colonies, Whether it is the intention of Her Majesty's Government to adopt any system of Retiring Pensions for Gentlemen who have held the office of Colonial Governor?

MR. CHICHESTER FORTESCUE stated, in reply, that in his opinion it would be impossible to confer a greater benefit at a small expense to the public than by providing pensions for Colonial Governors. At the same time, the right hon. Gentleman must be aware that many difficulties stood in the way of such a measure, and the noble Duke at the head of the Colonial Office, who had the subject under careful consideration, had not yet come to any final decision with respect to it.

#### CASE OF CAPTAIN EDWARDES.

##### QUESTION.

SIR FITZROY KELLY said, he would beg to ask the Secretary of State for India, Whether, inasmuch as the claim of the representatives of Captain Edwardes upon the Government and State of Oude has been reported by Mr. E. Clive Bailey, the Commissioner directed to investigate the same, as "a genuine and fair one," the claimants are called upon again to submit their claim to investigation in India; and, if so, upon what grounds; whether the Report upon the Claims thus to be subjected to re-investigation is expected to be made before the re-assembling of Parliament; and whether the representatives of Captain Edwardes can appear before the Commissioner without prejudice?

SIR CHARLES WOOD said, in reply, that the hon. and learned Gentleman in quoting Mr. Bailey's opinion had not given the whole of it; for although Mr. Bailey said that Captain Edwardes's claim was a fair one against a Sovereign of Oude many years ago, he went on to say that there was now no equitable claim even on the indulgence of the British Government. He (Sir Charles Wood) had not gone into the claims himself, as he thought it his duty to defer his judgment until the result of the full inquiry was before him. Captain Edwardes would not be prejudiced by appearing under protest. He (Sir Charles Wood) had given directions for facilitating and accelerating the inquiry as far as was consistent with the affording a fair opportunity of appearing before the Commissioners, but he could not say whether the Report would be made before the meeting of Parliament next year.

*Sir John Pakington*

#### PARTY EMBLEMS IN IRELAND.

##### QUESTION.

MR. MAGUIRE said, he rose to ask the Chief Secretary for Ireland, Whether his attention has been called to the fact that the Party Emblems Act has been violated on the 12th of July, in Lisburn, Belfast, and other parts of Ulster; and if riots, involving injury to persons and property, had not been the result?

SIR ROBERT PEEL, in reply, said, every one must regret the continuance of these demonstrations of party and political feeling in Ireland. Happily they were much less frequent than they used to be, and he trusted that year by year the good sense and feeling of the influential classes in Ireland would tend to check their recurrence. There had been less disturbance this year than usual, and he believed the reports in the newspapers of what had lately happened in Ulster a little exaggerated. He had received a telegram stating that some persons who had violated the Party Emblems Act, and others, who had committed breaches of the peace, had been summoned. Another telegram which came that forenoon announced, that although at Belfast there were large crowds in the streets, and there had been some collision with the police, and stone throwing and window breaking, the peace of the town had not been further disturbed.

#### INDIAN SANITARY COMMISSION.

##### QUESTION.

SIR HARRY VERNEY said, he would beg to ask Lord Stanley, Whether the two volumes folio containing the Report of the Indian Army Sanitary Commission will be presented to the House; and, if not, what are the reasons for omitting to do so?

LORD STANLEY said, the Report of the Commission and a summary of the evidence in octavo form had been circulated among hon. Members. There was a larger publication, in two volumes folio, containing the Report, the evidence, and a voluminous appendix; but he could not say whether it would be circulated among the Members as a body, or supplied only to those who asked for it. The latter course would probably be taken, but it rested not with the Chairman, but with the head of the Indian Department to decide that question.

SIR CHARLES WOOD said, the Report had for some time been laid on the table of the House.

**SIR HARRY VERNEY** said, he would beg to ask the Secretary of State for India, whether any hon. Member might have the Papers on applying for them?

**SIR CHARLES WOOD** replied, that the course which had always been pursued with respect to Parliamentary Papers had been followed in this case. These Reports had been on the table of the House for some time. He had no control over Papers on the table of the House.

#### DISTURBANCES IN NEW ZEALAND.

##### QUESTION.

**MR. ARTHUR MILLS** said, he wished to ask, Whether any Despatches have been received at the Colonial Office with reference to the disturbances in New Zealand; and, if so, whether there will be any objection to lay them upon the table?

**MR. CHICHESTER FORTESCUE** said, that Despatches had been received at the Colonial Office which, he was sorry to say, confirmed in the main the accounts which had appeared in the public prints of that morning of the unexpected outrage committed by a body of natives at Taranaki. He believed there would be no objection to produce a portion of the Papers.

##### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### CIVIL SERVICE COMPETITIONS.

##### RESOLUTION.

**MR. HENNESSY** said, he rose to move that an humble Address be presented to Her Majesty in favour of open competition for junior appointments in the Civil Service. The public, and even many hon. Members of that House, were under a complete delusion as to the working of the Civil Service Commission. When it was established, it was supposed that young men of ability, industry, and good character would have an opportunity of freely competing for the junior appointments in the civil service, and that patronage would cease to be distributed by Members of Parliament. That was quite a mistake. Those persons who objected to the system of appointments by Members of that House would be surprised to learn that the patronage of the Government had rather increased than diminished. Last year he pointed out that the number

of close competitions was actually growing larger, and this year the same unfortunate result was equally apparent. In 1861 the total number of nominations made by the Government without any competitive examination was 228, while in 1862 the number was 396. In 1861 53 per cent of those who were examined for junior appointments in the Civil Service were nominated under a system of limited competition, but in 1862 the percentage had fallen to 42. When the noble Lord the Member for King's Lynn was in office, he distributed all the appointments in his Department by open competition. Other Members of the present and preceding Governments had also done so, and among them Earl Granville, but the system of open competition was at an end. The number of honorary certificates given by the Commissioners was also diminishing. It was 136 in 1861, and only 111 in 1862. In some of the Departments the retrograde movement was very marked. In 1861 only two vacancies out of eleven in the War Office were filled by absolute nomination, while in 1862 as many as 82 vacancies out of 107 were so filled up. Thus the public, and even the House, were entirely deluded as to the adoption of competitive examinations. When the administrative reformers were protesting against the old system, they maintained that patronage ought not to be left to the Parliamentary Secretary to the Treasury, but the duties of that gentleman had been trebled instead of lessened. He still held the patronage in his hands, and Members of the House distributed the appointments. Why did the hon. Gentleman give these things to Members? It was, as an hon. Friend near him said, because they supported the Government. He thought that was unconstitutional. It was quite modern, and was certainly not known in the old history of Parliament. There was a time when, if a Member of that House had been charged with accepting such patronage from the Government, and distributing it among his constituents, he would have been found guilty of a breach of privilege and a misdemeanour. Now it was tolerated, and even those who sat on the Opposition benches received daily applications from their constituents, asking for appointments in public offices. The first question they should ask themselves was whether they would improve the civil service by a change of the present

system. He thought they would. One of the highest authorities on the subject Sir John Lefevre, had distinctly stated that in his opinion open competition was the best means that could be devised for filling the junior appointments in the civil service. Mr. Chester, who had been Assistant Secretary to the Privy Council, and Major Graham, an officer of the civil service, concurred with Sir John in that view. All the Resolutions and debates of that House, moreover, pointed to the advisability of open competition.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that the junior appointments in the Civil Service may be filled up in future by a system of open competitive examination,"—(*Mr. Hennessy*.)

—instead thereof.

MR. BAILLIE COCHRANE said, he rose to move an Amendment to the Motion of his hon. Friend the substitution of "an approved test examination" in place of the words "open competitive." He regretted that his hon. Friend had not allowed a longer space of time to elapse before again calling the attention of the House to the subject, as it was desirable, in his opinion, that the working of the system of competition so far as it had extended up to that time should be further tested by experience, before the House was asked to come to a decision upon it. He confessed that he differed from his hon. Friend as to the desirability of extending the system. All the information which he had been able to collect from officers in different Departments went to show that the system of competitive examination in force did not operate to the advantage of the public service. He believed that the commanders of the army would state that the officers who entered that branch of the public service were no longer taken from the same class from which it was recruited at a time at which it might truly be said that the army had never been better officered. One important objection to the system of open competition was the injustice which it did to the sons of old officers. In all offices which were not under the control of Government a preference was invariably given to the children of old servants; but if the principle of open competition were adopted, that practice was no longer to pre-

vail in the service of the State, and a great public disadvantage would thus, as he believed, arise. The fact stated by his hon. Friend, that the system of open competition was diminishing, proved that the public offices did not find it expedient to go on with it. He believed the truth was, that under the present system the offices could not be worked. The Secretary of State for India complained that he could not get officers enough, in consequence of the number of rejections by the Civil Service Commissioners. All the Commissioners were, no doubt, men of high eminence; but was the House prepared to put the whole patronage of the country, amounting to 105,000 places, in the hands of three irresponsible gentlemen? Such a proceeding was so absurd that he was astonished anybody could have proposed it. When Lord Brougham first heard of it, he held up his hands, and exclaimed that its proposers must have gone mad. There was no check upon the Commissioners, who over and over again had refused to comply with the request of the heads of Departments that they should not adhere too rigidly to their regulations, because by so doing they were acting injuriously to the public service. He could cite numerous cases to illustrate with what hardship and injustice the system weighed upon individuals, but would content himself with one. It was that of a gentleman whom he knew, and who wrote to him as follows:—

"On the 28th of last month Sir G. C. Lewis nominated me to compete for two vacancies on the establishment. On presenting myself before the Civil Service Commissioners the question arose as to my being over the prescribed age, and I was not permitted, though nominated, to compete. I entered the public service in April 1855, and therefore before the establishment of this system. I was for three years in the Admiralty, and three years at the War Office, Pall Mall, and the Military Store Department, Woolwich. My references are most satisfactory. I have passed before the Civil Service Commissioners as a temporary clerk, and because a new system is introduced at Woolwich I am discharged, without fault of mine and without provision."

There was another portion of the subject to which he would direct the attention of the House. He wished to inquire for a moment whether there had been any improvement in that system of questioning adopted by the Commissioners to which he had referred on some former occasions. It certainly appeared to him that the questions asked of candidates by the Commissioners were still in some instances of a very extraordinary character, and still as inappropri-

*Mr. Hennessy*

ate as ever to the class to whom they were addressed. What, for example, could be more absurd than to ask a factory boy in one of the Admiralty dockyards to "write an account of any one or more of the following animals—namely, the horse, the deer, the bee. Describe their appearance, habits, and peculiarities. Show how they are of use to man, and give any anecdotes that you ever heard or read about them?" Another question equally ridiculous, as put to an apprentice, was as follows:—"Write down anything you know about William the Conqueror or the late Prince Consort." He found from the examination papers that candidates for appointments in the Commissariat were expected to answer questions like the following:—"Why are some arts called useful, and others fine arts? Have not the fine arts any utility?" The candidate was asked, "What are the circumstances in which a nation is best prepared for war, and assign the reasons?" When they had the largest amount of force, he supposed. The noble Lord the Secretary to the Admiralty would probably say, "When it has a great many iron-plated vessels." These were hardly the questions to be put to a young man on entering the Commissariat service. Again, the candidate was required to sketch the history of Poland since 1789, and he was also asked, "What is the difference between the territorial limits of the European States in 1863 as compared with 1789?" Following all these questions, come the advertisements of the gentlemen who undertake to cram candidates for these examinations. The candidates for direct commissions in the army are asked, "What changes in the world have resulted, or are likely to result, from the discovery of the various uses of steam?" "Give an isometrical representation of the pyramid;" and they have to describe "the gold-leaf electroscope, and how they would use it to find the kind of electricity with which any given body is charged." Then they were asked, "How could you do this if the electrified body were out of reach, for example, a cloud over head?" The right hon. Gentleman always said he could answer such questions. [The CHANCELLOR of the EXCHEQUER dissented.] Well, if the right hon. Gentleman could not, how could he expect these young men to answer them? Another question was, "In what countries are the remains of the mammoth and tichorhine rhinoceros found, and what is there remarkable in their history?" The candidates for the

East India service were asked to give the meaning of the following old words:—

"Maund, teen, foin, frush, fust, childness, shard, shardborne, quiddit, quillet, frampold, chioppine, ohrysom. State what objections there are to any of the following words in respect either of the form of the word or of the sense in which it has come to be used:—Amiable, author, grandson, island, miniature, posthumous, righteous, newt, rampant, sovereign, skylarking, Anthony, Bosphorus, Charter-house, Mackenzie, Poland, shotover."

Another question was, "What are the essential constituents of felspar, fluor, dolomite, and calamine?" Here was a question worthy of the right hon. Gentleman's attention—"Why was it better for England to tax the import of tea, sugar, and wine than of grain, or iron, or cotton manufactures?" Then came the questions, "What were the special liabilities attached by the Roman law to carriers and innkeepers?" and "Describe the nature of the respiratory process in animals, and the difference in the mode of effecting this in fishes, frogs, birds, and insects." These were specimens taken from a list of very inappropriate questions, and it was not at all surprising that the Secretary of State for India should have to complain of the number of rejected candidates. The only other country where such a mode of examination was introduced was China, and he did not know that it was necessary for them to take lessons from the Celestial Empire. The public service had not improved under that system. It was not desirable that young men should enter the civil or the military service without being subjected to a severe test examination; but there were qualifications requisite for some professions which could not be tested by the system of open competition. An officer of the army ought to be able to ride well, to have a quick sight, and be a man of energy. The Duke of Wellington used to prefer discipline to book learning. In the same way, the highest talents for diplomacy could not be tested by any examination. When his hon. Friend sought to extend the competitive system to the smallest offices under the State, it was high time to look more seriously into its operation, so as to guard against its abuse. For that reason he took the liberty of moving his Amendment.

MR. SPEAKER said, that as the Motion of the hon. Member for the King's County was not an original Motion, but an Amendment on the Motion, That he leave the Chair, it was not in the power of the



hon. Gentleman who spoke last to move an Amendment upon it.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Gentleman has reverted to his usual practice of reading to the House for its amusement, a number of questions which he has selected from the various examination papers of candidates for appointments in the public offices. I do not consider there is any use in discussing the military branch of the subject in connection with a Motion which relates exclusively to the civil service. But, speaking of the questions which he read from the papers for the civil service, I think it is very difficult to argue concerning the sense of the ridiculous. As happens in matters of taste, that which seems ridiculous taken in one connection does not always seem ridiculous in another. Although, no doubt, the hon. Gentleman has selected his questions for the purpose of exciting our ridicule, yet some of them appeared to me very apt and well chosen. Nothing, for example, could be more rational than to ask the candidate what are the benefits resulting from the discovery of steam; and nothing could be fairer, with a view to test his geographical knowledge, than to require him to compare the territorial limits of different European countries in the present day and in 1789, before the great French Revolution. But irrespective of individual opinions on this or that question, the hon. Gentleman appears to me to have almost wilfully shut his eyes to the very principle on which these examinations are constructed. He gave the House to understand that every candidate is expected to answer all these questions. No examination in those places where examination has been pursued with the greatest efficacy and success is constituted on that principle. In regard particularly to the examination for the civil service, that which is held to be indispensable in all cases, and that which tells the most, is the necessary amount of knowledge in matters strictly elementary. But, inasmuch as those matters strictly elementary, reading so far as it can be tested, writing, and arithmetic, are matters in which the candidates might come out almost on a dead level, it is thought to be very judicious to test the general mental culture of the candidates by offering them a great variety of questions, the whole of which they are not expected to answer, but by answering some one or more of which they may be able to give some indication of their mental power over and above the

mere mechanical instruction they may have received. The hon. Member attempts to create amusement by the rapid transition from subject to subject of these questions; but that is only a proof of the care with which these papers are framed, because the intention is not to give an exclusive preference to persons who may happen to be familiar with some single class of subjects, but, on the contrary, to give the fairest possible play to all who have any mental energy or culture in them at all. The object, therefore, is to make the questions present as many aspects as possible within the compass to which they are extended. But it is not competent for the hon. Gentleman to move his Amendment at present, and therefore I pass to the proposition of the hon. Member for the King's County. I presume that the hon. Member for the King's County does not now intend to press upon the House the adoption of the Motion he has made. It is obvious that a Motion in favour of open competition for admission to the civil service is a subject so very large that it ought not to be pressed to a division unless after much fuller discussion, and in a much fuller House than we can command at this period of the Session. The Motion comes before us by way of an Amendment upon going into Committee of Supply, and I should certainly vote for the original words of the Question. But I do not complain of the hon. Member for so frequently calling our attention to a subject of such very great importance. In the view of the case, however, which he has put before us, he has not done full justice to the present state of things. The hon. Gentleman assumed that the system of competition was virtually going backwards—that patronage was resuming its sway as contradistinguished from competition; that the Departments were endeavouring to get rid of the salutary restraints on the exercise of patronage; and that, in fact, the general state of things was retrograding, instead of advancing. Now, I do not think that is the case. An examination of the Report of the Civil Service Commission distinctly proves that is not the case. With some variation in different quarters, there is, on the whole, observable progress in the system of competition. I am far from speaking of it as a perfect system. We must be content to make the most of the results of the system as gradually established. The House, however, has a right to expect that a certain rate of progress shall be attained, and it certainly does ap-

pear that considerable progress has been made. The hon. Gentleman says that the system of competition is diminishing in the country, but, as tested by the number of offices competed for, and the number of candidates examined, it is advancing, not diminishing. In 1858 the number of offices competed for was 192, in 1862 the number was 262, and in 1861, immediately preceding, the number was 236. Therefore, there is an absolute increase in the number of offices competed for. Then, as to the number of candidates found eligible and examined, in 1858 the number was 647; in 1862 the number was 864. No doubt, in former times there were great abuses, and many unfit persons were appointed. Well, of those 864 competitors examined for 289 places, 376 were found below the standard of attainment requisite for a pass-examination. The hon. Gentleman himself has at last screwed and wound up himself to this, that there should be a severe test examination; but does he not see how much evil there is still to be eradicated, when, out of 864 persons found eligible, not far short of one moiety, or 376, were found unfit to compete, because they could not pass the test examination. It is very well to talk of a severe test examination, but what is well known is this, that you find yourselves in continual conflict with a mass of personal, party, and other selfish interests; these selfish interests rooted and grounded in human nature exercise a continual pressure on your positive test examination, tending always to lower it. It is not because competition is in itself a perfect system that some resort is had to it, but because it is practically found that it affords the best and perhaps the only means of contending against that constant lowering action of a simple test examination. The Committee of 1861 made two principal recommendations; one was, that instead of an occasional competition of a limited character and among three candidates, there should be universally a limited competition among five candidates where there was only one vacancy; and where there were several, in the proportion of at least three candidates to each vacancy. The other recommendation was to confine the competition to those who had passed the previous test examination. I must say that was a most excellent recommendation. With regard to the first recommendation, there are now forty-seven offices to which competition is extended, and only twenty in which com-

petition is not resorted to, these last being only *quasi* public departments, not being under the control of the executive Government. So far, then, as the general principle of competition is concerned, it is in course of extension. We have got competition in action. I am entitled, therefore, to a certain extent to assume that it is recognised as a beneficial system, and I am showing that the executive Government are endeavouring to give increased scope to what they believe the intention of Parliament. With regard to the second recommendation, the Treasury early in 1861, under the direction of my noble Friend, established a preliminary test examination for all officers, and the number of competitors is extended to five for a single vacancy, and in the proportion of three for each vacancy where there are more than one. The Secretary at War has recently set on foot a similar plan, and clerkships in the War Office are now competed for only by those who have passed a test examination, the competitors being fixed in the proportion of four for one vacancy and three to each vacancy where there are several. I am certainly at a loss to explain a very large number of nominations that appear to have taken place without competition in 1861. That must be owing to some casual circumstance; but the indications of progress which I have pointed out depend on no casual or temporary cause—they belong to the gradual extension of the system to our public offices. Believing, as I do, that it is quite impossible for us to admit on the present occasion of a full discussion of this extremely important question, it is enough for me to show that this is a matter in which the executive Government is making progress, and to express a hope that under these circumstances the hon. Gentleman will be satisfied with the discussion which has taken place, and will not press his Motion to a division.

MR. MAGUIRE observed, that besides the two recommendations of the Committee adverted to by the right hon. Gentleman there was a third—to this effect, that the system of open competition, so successfully tried in relation to the India service by the noble Lord the Member for Lynn, should be applied to the Civil Service.

THE CHANCELLOR OF THE EXCHEQUER: I omitted to mention that the apprentices in the dockyards and inferior boys in the Admiralty are admitted by open competition.

MR. MAGUIRE maintained that the most important part of the patronage in the appointments to officers in the civil service was still kept in the hands of Government. The Treasury were opposed to any system that was likely to take the patronage out of the hands of the Government, and under the present system the nominations were almost entirely confined to the friends of the Government. Now, that was a most unfair principle for any Government to pursue. Every member of the community ought to have a fair opportunity of proving his qualifications for Government appointments, but as matters stood one-half of the community were denied all opportunity of competing for public service. He did not see why the system of open competition, which worked so well for India, should not work equally well for all the public departments. The recommendation of any respectable person of rank or position should be sufficient, with satisfactory testimonials of moral character, intelligence, and ability, to procure a nomination to compete. He might add that he been applied to frequently to make applications to the Government for nominations, but had never done so except on two occasions during the eleven years he had had a seat in that House, and those applications were made under very peculiar circumstances. He thought that his hon. Friend had done well in bringing the subject again before the House, and if he pressed his Motion he should feel it his duty to support it.

MR. BENTINCK said, that although he could not agree with the hon. Member for the King's County, he did concur with him upon two points. He agreed that disappointment had followed the establishment of the system of examination which had recently been introduced, and that it had neither decreased the patronage of the Government, nor improved the quality of the successful candidates. But what he believed to be the two great evils of the system had not been touched upon. The first was the irresponsible position taken up by the Commissioners, and the determination of the Government, and particularly of the Chancellor of the Exchequer, to retain them in that position. So long as that irresponsibility continued, the system would never give satisfaction, because the country would not believe that justice was fairly done. The other evil was one that spoke for itself. The Commissioners not only arrogated to themselves complete

irresponsibility and the right to conduct their proceedings in the dark, but they claimed the right of defining precisely the character and details of the examination to which every candidate was subjected. It was impossible that the Commissioners should be so well qualified to form an opinion of the necessary qualifications of candidates for appointments as the heads of the different offices, and the result was, that, in the naval and military services especially, the best men were often excluded. If the system had been in operation a certain number of years ago, Wellington would never have been a soldier, Nelson a sailor, or Watt an engineer. The best men were excluded because they were unable to answer a number of questions the absurdity of which had been well pointed out to the House. He ventured to tell the Chancellor of the Exchequer that so long as the Commissioners were allowed to work in the dark there would be a feeling throughout the country that justice was not done to the candidates, and that the whole system was one of patronage and jobbery.

MR. CLAY said, that whatever the faults of the Civil Service Commissioners might be, they were not open to the charge of making wrong selections of subjects, because the selections were made by the heads of the offices for which the candidates were to be examined. Without entering upon the question of examinations generally, he would only say a few words in reply to the remarks of the hon. Member for Dungarvan, who seemed to think the state of things as regarded patronage and the influence of Members of Parliament was as bad as ever it was. He did not think that was so. The hon. Member for the King's County seemed to think that the amount of patronage was larger now than it was formerly because of the numerical increase of candidates. Without pretending to know all that took place behind the scenes, and admitting that there was a larger residuum of the old system than he wished to see, he could only say that it was a common occurrence for nominations to be given to any respectable gentleman who asked for them. ["Oh I'"] If the hon. Member for Lewes (Mr. Brand) could tell him he was wrong, he would accept his correction, but otherwise he maintained his statements. He could name instances in which nominations had been given to persons without any knowledge of or inquiry into their political opinions. Nominations were often granted to

gentlemen of literary reputation, to clergymen and magistrates. He had for thirty years been an advocate for a change in the system of patronage; but although he went as far as his hon. Friend, he did not go as fast. If the Motion were pressed, he should be disposed to vote for it, but at the same time would recommend the hon. Gentleman not to press it to a division. The change was important, and might lead to valuable results; but public opinion had not yet got beyond considering the question as lying between a severe test and a public competition, and had not yet been brought to regard the question as between open competition and limited competition. It might be that the new system was not approved in some offices. In the Committee the question was asked whether the officers selected under the present system were superior to those appointed under the old system; but, as was not surprising, the evidence on the point was not distinct, as it would have been invidious to say that the superiors in an office were inferior to the juniors. In a few years the advantages of the system would become obvious, and then would be the time to take further steps in the same direction.

MR. MONCKTON MILNES said, he should be very glad if some arrangement could be made, such as that suggested by the hon. Member for Dungarvan, and that hon. Gentlemen opposite could share with Members on the Ministerial benches the advantages of nominating candidates. If ever a contrivance could be suggested to give annoyance to Members of Parliament, the present system of nomination was one. They were continually pestered for nominations, which were rarely successful; and then the nominating Member was considered by the candidate and his family as having caused them expense and discomfort. He got no gratitude, and was exposed to much obloquy. He must, however, be permitted to ask the House not to consider that the system had been so successful as had been stated in the course of the debate. He could say from personal knowledge of many persons in the public Departments that they did not consider that the efficiency of the Civil Service had been increased or improved by the new arrangement. They say that the new men are decidedly cleverer at first, but that they afterwards fall off, and in ten or even five years they will not know more than the men nominated under the old system. There was, no doubt, a small residuum of

unfit persons who were got rid of by the present system, but that was the only advantage that was gained, and against it must be set many serious disadvantages. Instead of seeing their offices filled by men acquainted with the public service, with a strong *esprit de corps*, and acquiring confidence and respect from all who were acquainted with them, they would see a body of persons extremely discontented and unhappy in the position in which they were placed. The existing kind of competition was not the means by which the meritorious poor man could get a place under the Government. It was entirely a matter of money from beginning to end. It was entirely a system of cramming, not in the ordinary sense of acquiring knowledge, for that would be extremely useful to every one, even though he failed in his immediate object. That was not the case; but there were a set of men throughout the country—professional crammers—who, by taking note of the sort of questions that were put, would guarantee persons getting into the public offices; and unless a young man had the means to put himself under one of those crammers, he would have no chance of success, however superior he might be in the main to those with whom he was competing. That was a totally different thing from what the House was led to expect. The poor man was shut out altogether. It was said to be a question of education, but it was a question of education which could be got only by money, and a great deal of it. That was not a satisfactory thing, nor was the examination such as to produce an efficient body of civil servants. A system which had been most injurious to the character of the German people had now been established in this country; and if carried to the extent to which his hon. Friend desired, he believed it would be injurious to the national character and dangerous to the independence of the country.

VISCOUNT PALMERSTON: I cannot say I agree in the fundamental principle on which the hon. Member for the King's County has founded his Motion, that employment in the Queen's service ought to be a thing which anybody might claim provided he could only show he was fit for it. I conceive that according to the Constitution of this country those who are honoured with the confidence of the Crown are responsible for the filling-up of all offices, and are bound to take care that no person not duly qualified is appointed.

Now, it seems to me the present arrangement fulfils those conditions. There is, in the first place, a test examination, to see that the person applying for office is possessed of sufficient attainments to entitle him to be a competitor with others; and then a competitive examination, for the purpose of ascertaining which of a certain number is fittest for the appointment. Now, some gentlemen wish that the number of competitors should greatly exceed the number of places to be filled up. I see no advantage in that, but, on the contrary, a great hardship. It reminds me of the old story of what the foreigner said about the race, "What, so many to start, and only one to win!" Only one can be appointed to each vacancy, and the more candidates you examine the greater the range over which disappointment must be spread. Now, that disappointment is not a very light matter, because a young man who has applied through his friends for an appointment has shaped his course and fashioned his expectations to a particular career, and has ceased to endeavour to find employment in any other quarter; and then, if after a preparation of a year or a year and a half he is rejected, he finds that he has neglected other pursuits to which he might with better success have devoted himself, and that is a great hardship to him and to his friends. I think three nominations to each vacancy is quite sufficient to enable the examiners to pick out a person fit for the appointment; and that examination, with the previous test, ensures what is the real object of this arrangement—that the persons appointed shall be fit for the offices which they are to fill. Objection is taken to the principle of cramming. It is said that competitive examination only leads to a system of cramming, and the knowledge which enters the mind in that way does not remain there, but is soon lost. But the principle of cramming, or in other words of preliminary preparation, is an essential element of all competition. When a boat race is to come off, the men who are to pull are crammed—they practise with others for a fortnight or a month beforehand preparing for the race. If you have a horse-race, the horses are crammed—they are crammed with corn, and they are practised in the exercise of their muscles. If there is to be a pugilistic combat, the men are crammed—that is, they are trained in order to be ready for the contest on the day fixed. And therefore, if you are to have competition at all, you cannot object to

the candidates preparing themselves for the contest. Just as in the other cases the most muscular and active will win on the day of trial, so on the day of the intellectual contest the man whose mind most readily grasps and most firmly retains knowledge will succeed. In all the examinations of the Universities the same cramming takes place; and although a great deal of the knowledge thus acquired does not remain, yet every man who has gone through an examination at the University knows that the habit of mental exertion which that cramming gives you lasts afterwards, and is attended with useful results. Therefore, no reasonable objection can be taken to the system of competitive examination on the ground that it requires extensive preparation.

My right hon. Friend the Chancellor of the Exchequer has lucidly explained why some of those abstruse questions are put. I have been often told by the Commissioners that the real tests are certain elementary acquirements; but with regard to these the competitors may be so nearly equal that it would be difficult to say who was best, and therefore they throw into the examination a number of other questions, which test the general knowledge of the candidates and their powers of mind, and in that way the Commissioners are able to say which young man appears the cleverest of the whole. Objection has been taken by the hon. Member for Dungarvan (Mr. Maguire) to the circumstance that these nominations for competition are not open to every Member, and himself among others. Well, Sir, we live in a country which has a Parliamentary Constitution; Government must maintain itself in Parliament by the support of its friends, and it is natural they should feel more disposed to comply with requests made by a friend, than by a gentleman who is going to move to turn them out. I do not think there is anything at all inconsistent with human nature or constitutional principle in such an arrangement, and I do not see what the country would gain by changing it, and giving the opponents of the Government a right to demand favours of the Government. It has, however, been rightly said that those nominations are given to respectable persons, and often without regard to political considerations. I myself last year gave a nomination for competition for a clerkship in the Treasury to the son of a person opposed to the

Government, and who was laid under no obligation by my granting what he asked, and who did not consider himself in any way fettered by my having done so. I only mention that as a proof that when persons who are opposed to the Government condescend to express a wish, when that wish can well be granted, their being opposed to the Government is not an absolute reason for refusing them. And I can assure the hon. Member for Dungarvan, that if he would condescend at any time to express a wish in favour of any of his constituents, that wish would receive every consideration. But then it is only right, according to the working of the British Constitution, that the requests of those who are the friends of the Government should be complied with in preference to the requests of those who are not. I see nothing in that requiring to be altered in reference to the proper working of the Parliamentary constitution of this country. Well, I think that to open an office to which every man may come and say, "I write down my name, and I desire to be examined at the next opportunity for a clerkship in the Treasury or War Department," would be no improvement in the working of the constitution, or in the filling-up of offices. I think that those who are in the service of the Crown ought to have the responsibility of filling up the appointments at their disposal properly; and I see no more reason why these appointments should be at the command of every man who walks the streets than that any other appointments or honours of the Crown should be at the command of those who might think it desirable to have them. I am quite sure that these Commissioners do their duty according to the best of their judgment, and I believe that the persons appointed under this system of competition have been well qualified for the public service, and better, no doubt, than many who were appointed before. When I was at the Foreign Office, I was most anxious to establish some system of examination; but at that time there were no Commissioners, and there was such difficulty in deciding who should be the examiners, that I was never able to establish the system. Now, however, the system is generally established, and the Government are prepared to act upon it. Notwithstanding all the jokes of the hon. Gentleman opposite on the questions proposed for examination, the system is one

which works well, and which will insure good and proper persons to be employed in the different appointments in the public service.

MR. HENLEY said, that he agreed in the main with what had fallen from the noble Lord and the right hon. Gentleman the Chancellor of the Exchequer; but there was one material point on which he differed from them. The noble Lord had endeavoured to set up an analogy between the training of horses, of pugilists, of rowers, the severe studies which men went through at the University, and which certainly greatly exercised the mind, leaving behind a power nothing could afterwards destroy, and the asking of a vast number of chance questions of those who came up for examination as candidates for civil service appointments. Those questions were superadded to the elementary examination, and the right hon. Gentleman and the noble Lord pretended that they afforded a test of general mental acquirement. Now, in his belief, the system adopted by the Civil Service Commissioners was not a test of mental acquirement at all, and that the ability to answer those questions could only be attained by a vicious system of cramming. Any one who looked at the kind of questions asked would see at once that it was impossible to answer them without a complete study of the subject. They were not in their nature elementary; whereas in the University everybody was examined in the same kind and quality of subjects, and did really undergo fair competition. How could the Chancellor of the Exchequer say that the system of examination was an elementary one, when if he went into any bookseller's shop and asked for the books necessary for cramming for examination for such and such an appointment, he would find that it was a complete system? Such questions as he referred to offered, in fact, anything but a fair test of mental acquirement, and it very often happened that persons were passed because they fortunately happened to have got up one or two of the subjects on which the examiners asked general questions. He heard the other day of a young man who was being examined for a direct commission for the army being asked, among other things, to write a history of the Reformation. He put it to the House whether that was not a very odd requirement to demand of a person who was applying

for a commission. The system was a bad system, if carried to an excess; but he quite agreed with the Chancellor of the Exchequer that there had not been sufficient experience to enable the House to come to a sound opinion on the matter. What was wanted was to get the best permanent servants to do the public work; and as opinions differed with respect to the result of the system which had been adopted, he thought, that until further experience was obtained, it would be worse to push it to too great an extent. The subject was very important, but it would not be fair to compare the young men of the present day with the young men of thirty or forty years ago, for education had enormously advanced, and the state of general intelligence was very different now. They must compare the men they now got relatively with the young men who obtained other positions of the same standing, and thereby determine whether the system did really secure for the country better servants.

Mr. DARBY GRIFFITH said, he was a little surprised to hear the noble Lord stand up in that House and avow, albeit in a jocular and pleasant vein of humour, that nominations ought to be given away by the Government, and not thrown open; because, as he (Mr. Darby Griffith) humbly imagined, such a system was incompatible with the principles on which competitive examination was founded. The noble Lord thought that it was perfectly natural to carry on the public service by patronage; but he thought it was generally understood that the appointment of Civil Service Commissioners and Examiners was intended to do away with patronage to a great extent. It was to be remembered that party heats and animosities had greatly subsided within the last half century; and if it came to this, that the noble Lord objected to give nominations to those who wished to turn him out of office, or who voted against him, he thought it would be found on inquiry that the noble Lord was vastly more indebted to many Gentlemen on the opposition side of the House than he was to the Gentlemen who sat near and behind him. The explanation which the noble Lord had afforded them that night, although intelligible enough, could hardly be reconciled with the principles on which the Commission was founded, nor was it applicable to the practice pursued by many hon. Gentlemen who sat on the Ministerial side.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 118; Noes 37: Majority 81.

Main Question put, and agreed to.

#### STREET MUSIC IN THE METROPOLIS. OBSERVATIONS.

Mr. BASS said, he rose to call the attention of the Secretary of State for the Home Department to Street Music in the Metropolis, and to move, "That it is expedient to reconsider the Law on this matter at the earliest opportunity." The inconvenience and noises of the nuisance of which he complained were known to everybody in the House, and out of it too, to all who dwelt in the metropolis. Street music had become so intolerable that it was absolutely necessary that some measure should be adopted for its regulation. The law on the subject was not well defined, and it should be made more precise and better known. From early morning until late at night—that was from 7.30 a.m. until 11 p.m.—the streets and squares of the metropolis were occupied by bands of wandering musicians, whose music rendered the town a perfect garden of discord. Bands were incessantly playing north, south, east, and west. The other morning he had occasion to call on his neighbour, Sir Richard Mayne, and found a band at his door step. Crossing to the south side of Eaton Square he found a second band; then, going to the north side, he found a third band; and, finally, in Eaton Place, he came upon a fourth band, playing in front of the House of the Home Secretary. He assured the House he could hear all the four bands at the same moment; and if any person with the slightest musical taste could tolerate a street band at all, it was perfectly clear they could not tolerate four bands at once, shrieking, blasting, counter-blasting, and creating the most horrible discord. It seemed to him absolutely preposterous to contend that the description of music prevalent in the streets of the metropolis could be of any advantage to any one whatever. On the contrary, it was a great hindrance to the serious business of life. Men engaged in severe mental occupations, like Mr. Babbage and others, were actually unable during the greater part of the day to continue their studies. Mr. Babbage had told him that one-fourth of his time was consumed by the hindrances occasioned by street bands, and that in the course of a

few days he was interrupted 182 times. [*A laugh.*] Hon. Gentlemen might laugh, but it was really the case, that many persons had declared to him that they had been driven from London solely by the torments inflicted by these bands. The persons who played in the streets did not retain the money that was given away by the public; for a number of persons, who did not appear in the matter, obtained their livelihood out of the unfortunate foreigners who were blowing their wind away. It was stated that any person who was annoyed had by law the power of putting a stop to street music; but, in reality, that was not so, in consequence of the law not being clearly defined. Sir R. Mayne, on the previous morning, told him that Lord Canning, just before he went to India, made a complaint that on a particular occasion, when he was writing a despatch of the greatest importance, a serious error crept in entirely owing to the annoyance occasioned by a street band under his window. He was quite confident that no Member of that House could say that street bands were not a nuisance. He was fortunately not so late in retiring on the preceding night as many hon. Members, but he was roused from his first sleep by the horrid noise of a street band, and three or four times during the day he was interrupted in his correspondence, and had to beat a retreat; moving from the front to the rear, and from the rear to the front; and finding it absolutely impossible to get on. He might be told that people enjoyed the music, or it would not be paid for. But it was no proof because it was paid for that it was enjoyed. In this great town money could always be found for any nuisance, and the truth was that the bands were paid to be got rid of. He could not suppose that any persons supported the bands either on account of the excellence of their music or because they assisted in teaching good music, and he could only therefore conclude, and he believed, that they were destined for the delectation of nursemaids and children. He was informed by the Home Secretary that the law was doubtful—that some magistrates decided one way and some another. They could not agree as to what was “reasonable cause” of complaint. That being so, he thought he had shown sufficient grounds for the Motion which he had brought forward.

MR. SPEAKER said, he had to inform the hon. Gentleman that he could not actually move the Resolution, because the

House, by deciding that the word “now” should stand part of the Question before them, had already resolved to go into Committee.

MR. BASS said, that although he could not go to a division, he might elicit the opinion of hon. Members on the subject.

LORD FERMOY said, that he was not one of those who agreed with the sentiments of the hon. Member on this subject. The law was already sufficiently stringent on this subject, and had been put into force a vast number of times by the hon. Gentleman's friend Mr. Babbage, who had punished, very unjustly as he thought, many poor musicians. His hon. Friend disliked music. [MR. BASS: No, no!] Well, his hon. Friend disliked bands, at all events; but he was glad to hear that there was so much musical taste in Belgravia, because they might depend upon it that the band would not play there unless they were supported. The fact was that those band players were professional musicians, and played for the public, and the public remunerated them. The people enjoyed the bands even in aristocratic Belgravia, and that there was such a number there when the hon. Member visited that quarter showed that the people there desired to hear the music. He was sorry that the hon. Gentleman was woke up so early in the morning by bands, but that was no reason why the whole of his neighbourhood should be deprived of the pleasure of hearing them. For illness or any other reasonable cause the bands might be required to cease playing, but he believed there never had been an instance proved of their being a nuisance, notwithstanding all Mr. Babbage's complaints. If street bands were put down, many other things must follow. Huge drays full of beer barrels, even though the name of “Bass” might be inscribed on them, were a serious annoyance and inconvenience, and some people might say they ought not to be allowed to pass through the streets in the day-time. The fact was, however, that the streets must be free for all legitimate occupations. He thought that street music was a very legitimate occupation, and afforded a great deal of innocent amusement. If attention were given to the provision of music in public places, the nursemaids and children would go there, and there would be less music in the streets. In England no provision was made for music and recreation, and street music was the consequence. He suggested that the hon. Gentleman the



Under Secretary for the Home Department should take the subject into consideration during the recess and prepare a Bill which would provide recreation and music in proper places, the result of which would be an abatement of what the hon. Member for Derby now considered a nuisance.

MR. CAVENDISH BENTINCK said, he could not admit that because these street bands were paid they ought to be tolerated. The argument of the noble Lord was altogether unsound, as it would equally sanction street music and mendicancy, because there were many persons who gave money to beggars. There was no town in Europe, not even Rome, with so many street beggars as London. Not being a man of taste, he had suffered a great deal from street bands. Fate had cast his lot in a thoroughfare having a large square at one end and a street at the other, and which was infested with bands, organs, wandering minstrels, negro melodists, and every species of musician. One band sometimes played fifty yards to the right of his door, another played at an equal distance to the left, with wandering minstrels performing in between. If one man in a whole street liked this music or this noise, that was no reason why all the other inhabitants should be annoyed. If the noble Lord the Member for Marylebone were to engage a band of Garibaldi's followers to play in his house all day and disturb his neighbours, his neighbours could recover damages against him. Why, then, should a man be allowed to create a disturbance in the public street which would be a breach of the law if created in a private dwelling? He must also dissent from the view the noble Lord had taken of the law. The Act said that a householder might cause an itinerant musician to depart, and that if the musician refused, he might be fined a sum not exceeding 40s. But if the householder himself happened to be absent, a lodger or any other person in the house could not dismiss the street musician; and lodging-housekeepers often lost their lodgers through the nuisance. But even if the housekeeper were at home, a policeman had to be found—a matter of extreme difficulty, especially in the day-time. Again, when the musician was taken before a magistrate, it was necessary to prove that the housekeeper had a "reasonable cause" for ordering him away; and magistrates were not agreed among themselves as to what was a reasonable cause. The words of the Act were, he believed, "the illness of an in-

*Lord Fernoy*

mate, or any other reasonable cause." Street music not only prevented people from obtaining rest and quiet, it disturbed them when making calculations, or even when studying their speeches. How disagreeable, for instance, it must be to the noble Viscount, when preparing the business of his office, to be disturbed by a street band playing "Awa' Whigs, awa'!" The Act should be amended by striking out the condition as to the illness of an inmate of the house and any "reasonable cause," and by enabling the inmates to order off street musicians at their own will whenever they experienced annoyance.

MR. MALINS said, the House ought to feel very much obliged to the hon. Member for Derby for having brought the subject before them. [*Laughter.*] It was no laughing matter, and he thought that every man ought to be protected in the peaceful enjoyment of his own home. That, however, was more than he could obtain in the square or parallelogram in which he lived. He frequently had to endure a grinding organ on one side and a noisy band on the other. As to preparing speeches, he was not in the habit of troubling the House often; but he had work to do at his own home which involved a great deal of reading and study, and he declared that he had seriously entertained the notion of living away from London in consequences of these nuisances. He often told his servant to send away street musicians, but they only moved off a few yards, and it was of no use trying to stop them. He had no help for it but to wait till eleven at night came, when he might expect to have quiet; but even then he must confess that his neighbourhood was sometimes favoured with a round of the "Old Hundredth," beginning about eleven and ending at half past twelve. [*A laugh.*] That was no really laughing matter. He could not get on with his work unless he set about it very early in the morning, before the street musicians were up. The organ grinding was the worst nuisance of all, and the Under Secretary for the Home Department ought to do something to put it down.

MR. H. A. BRUCE said, he would endeavour to treat the matter seriously. The hon. Member for Derby had very vividly portrayed his sufferings from street music. He and other hon. Gentlemen had spoken of broken rest, an offended sense of hearing and shattered nerves, but no one had given them the slightest inkling of his opinion as to the proper remedy for the

evil. There were only two remedies available which were not already enforced, one of which was to prohibit all street music under any circumstances. It was said that bands were not so bad as organs; but it was well known, that in many parts of London crowds of children gathered round the Italian organ-grinders. What might be unacceptable at the West End was very popular in other districts. It was all very well for those who disliked, or who possessed a very refined taste for, music to seek to do away with the bands in the streets; but with the great majority of the population there was no doubt they were popular. Indeed, he felt sure that if the hon. Member for Derby were to poll his own household, he would find the greater number of votes recorded in their favour, and he did not think it therefore desirable that it should be placed in the power of every churlish person, or every man who happened to be busy, to drive music out of the streets. There were, he admitted, drawbacks under the existing system; but it became those who complained of the annoyance occasioned by those bands to take care that the remedy which they sought to provide was not worse than the evil which it proposed to cure. It had been said that the words "reasonable grounds" were uncertain; but if, for instance, a Member of the House, returning from the discharge of his duties at three o'clock in the morning, were to represent to the policemen in the neighbourhood that he required to sleep to an hour long before which persons were in the streets, there could be hardly any doubt that that would be regarded as a "reasonable ground" for preventing these bands from playing so as to disturb him. So it was decided that interference with the labours of Mr. Babbage, a man of science, was a "reasonable ground" for regarding the bands in the light of an annoyance. That being so, he could not undertake on the part of the Government to say that they would be prepared to interfere with the law as it stood.

SIR JOHN SHELLEY rejoiced to learn that the Government had arrived at the decision which his hon. Friend the Under Secretary had announced. The hon. Member for Derby, he contended, was entirely mistaken in supposing that the inhabitants of the metropolis were opposed to street music. In support of that view he might observe that he, as the treasurer of the Regent's and Victoria Parks bands, could state of his own knowledge, that those

bands were now self-supporting, although there was in the first instance great difficulty in establishing them; and if any hon. Gentleman would visit either of these parks on Sundays, he would find there crowds of well-dressed persons listening to the music. They would have, indeed, a solemn metropolis if his hon. Friend's Motion were carried. There would be no life, no pleasure, no amusement. He should therefore be sorry to see any alteration made in the law.

#### IRISH DISTRICT LUNATIC ASYLUMS.

##### OBSERVATIONS.

MR. BLAKE said, he would beg to call attention to the defects in the moral treatment of insanity in the great majority of Irish District Lunatic Asylums; and to ask the Chief Secretary for Ireland, whether the executive Government of Ireland intend taking any, and what steps, to render those Institutions less irksome to the patients and more conducive to their recovery? As that was the third year he had brought the subject under the notice of Parliament, and had placed a work he had written containing his views regarding the moral treatment of insanity in the hands of the greater number of the Members, he would not occupy the House very long, more particularly as he intended next year, and indeed every year while he remained in Parliament, bringing the matter forward, until the defects he complained of were remedied. Almost immediately on the present Chief Secretary's accession to office, he had called his attention to the drawbacks which existed in the asylums. The right hon. Baronet had paid a good deal of attention to his representations, had accompanied him to the best of the English asylums, and had visited some others that he suggested and promised that on going to Ireland he would do his best to remedy whatever appeared to him calling for Amendment. To do him justice, he had kept his word. Some important improvements had been introduced, he believed in a great measure owing to the interest which the Chief Secretary showed in the matter—amongst them, appointing only medical men to the office of resident managers, and intrusting them with the chief responsibility. He had also visited many of the asylums, and this, together with the keeping of the matter alive in Parliament, had been productive of much good, as many of the asylums were undoubtedly improving

that had been at a complete standstill before. However, much yet remained to be done before the asylums would be what they ought as regarded moral curative treatment, and it was for the purpose of inducing the right hon. Baronet to continue the good work he had so well commenced, and making boards of governors and the country generally aware of what still remained to be done to render those excellent institutions more valuable, that he brought forward his present Motion. His only ground of complaint against the majority of the asylums was that there was a great deficiency in the way of suitable occupation and recreation for the patients. In all other respects the asylums were most unexceptionable. Great care and humanity was shown towards the patients—they were well clothed and fed—hardly any instance of cruelty or neglect ever occurred, and the administration of them, both as regarded the Government Inspectors and the Local Boards, was honestly conducted. It was therefore a very great pity, when a little trouble on the part of the Inspectors, and a very small outlay by the Local Boards, which would be repaid tenfold by results, would render those institutions the first in the kingdom, that the proper means were not adopted. With two or three exceptions, the asylums were deplorably deficient both in the appliances as well as a proper system for agreeably occupying the patients. All writers and authorities on the subject concurred as to the absolute necessity of suitable employment and amusements for the insane, both as a means of alleviating the tedium of their lives and promoting their recovery. Except in the instances alluded to—and he was by no means prepared to admit that even they came up to the right standard—he contended that the patients were not, so far as the moral treatment was concerned, treated consistently with the best acknowledged principles. To prevent any controversy on this point, he would, although well acquainted with nearly all the asylums, entirely exclude his own experience regarding them, and confine himself to official documents to support his statements. The first to which he would refer was the Report of the Royal Commission, appointed in 1856, to examine into the state of the Irish Asylums—

“In the new asylums recreation halls have been provided, but, excepting in a few cases, as the new Richmond and Sligo Asylums, we found that they were either not used or were devoted to other

purposes. We are sorry to be obliged to add, that we fear this has generally resulted from the manager or governors not attaching sufficient importance to the amusement of the patients as a portion of their treatment. We hope that this idea will be dispelled, and that the great want of any amusing occupation for the patients which is particularly observable throughout the asylums (with few exceptions) will, before long, cease to be a subject of unfavourable comment. At present, whatever attempts have been made in a few instances, and especially at Richmond and Sligo, in the way of evening entertainments, &c., nothing has been done to mitigate the bare and cheerless character of the apartments usually occupied by the inmates. In corridor or day-room, the lunatic sees nothing but the one undiversified bare wall—giving to these hospitals, intended for the restoration of the alienated mind, an air of blankness and desolation more calculated to fix than to remove the awful disease under which it labours. It cannot be denied, notwithstanding the care and attention which appear generally to be given by the managers and visiting physicians to the patients under their charge, that, on the whole, the lunatic asylums of Ireland wear more the aspect of places merely for the secure detention of lunatics than of curative hospitals for the insane. Probably it is by some considered, that the inmates being poor, the ratepayers should not be called on to provide for them comforts and appliances beyond their position; and something, perhaps, of the idea prevails, that the lunatic asylum should not, by the comfort it provides for its inmates, cease to be a test, like the workhouse, for those who seek it as an asylum. But it is almost needless to point out that the cases are by no means analogous, and it would be as consistent to prevent the surgeons of our county infirmaries or fever hospitals giving expensive medicines or comforts to patients as to refuse to provide for the lunatic what may contribute to his cure. Besides, we believe it better economy to relieve the rates by the cure of the lunatic, than to burden them with his permanent maintenance by perpetuating his insanity.”

Nearly twenty medical officers of asylums and others gave evidence before the Commission as to the inadequacy of the means of occupation and amusement; but, notwithstanding this, and the strong recommendation of the Commissioners, years rolled on, and very little, if anything, appeared to have been done to amend matters, and from the Reports of the Inspectors it would seem as if there was nothing to complain of in this respect. Indeed, a paragraph in their Report for 1861 was calculated to lead to the idea that there were ample resources for the patients, as they reported that—

“As a general rule the patients in district asylums are industriously employed both in and out of doors, and while their comforts and sanitary condition are attended to, means of amusement were not neglected.”

This was the opinion of the Inspectors in 1861, from which he ventured to differ so much that he brought the subject before

Parliament, and set forth very strongly the real condition of the asylums, and what they ought to be. A considerable change seemed to come over the opinion of the Inspectors, as in their next Report, that of 1862, they stated—

“Our object in introducing the educational condition of the inmates of the different district asylums, and in which the illiterate more than double those who have received a fair amount of education, was to exhibit their previous social position, and to show the beneficial working of these institutions in producing habits of order, neatness, and even some approach to refinement among the insane classes, while the number daily employed in and out of doors serves to prove the encouragement given to industrial occupations. On this latter head, however, we feel satisfied that great room for improvement still exists, and that suitable occupations could be devised for a much greater proportion of patients than at present; for nothing can be more injurious to the insane themselves than idleness, and that listless mode of existence, particularly within doors, which we regret to observe is too much tolerated. In the absence of industrial employment, pastimes ought to be more generally provided.”

With the concurrent testimony of the Royal Commission, the local officers of asylums, and lastly, the Report of the Inspectors last year as to the deficiency in the important particular he alluded to, he thought he need not trouble the House with further proof to induce them to believe that a very great defect existed in the Irish asylums as regarded moral treatment. That fact admitted, it was clearly the duty of the Government to remedy the evil—as much of the responsibility rested on them, as they not only appointed the Inspectors and local medical officers, but the nomination of the boards of management was in the hands of the Lord Lieutenant. He had no doubt, if the Inspectors earnestly applied themselves to the task, that, with very little trouble, a great deal could be accomplished in a short time. On a former occasion the right hon. Baronet had urged that the work of reformation lay chiefly with the local boards, as it depended on them whether the necessary expenses should be incurred. That was quite true; but a number of country gentlemen, or persons engaged in business, were not supposed to know what was essential for the due treatment of insanity, and it was clearly the duty of the Inspectors to point it out to them. He believed that, with very few exceptions, the boards of governors in Ireland were most willing to do whatever was necessary in the way of affording the patients the means of recreation and occupation, if the Inspectors would only explain

what was required. He had often, when visiting asylums, remonstrated with governors with whom he was acquainted, on the deficiencies he observed; and their invariable answer had been, “We were not aware of this before, and supposed, when the Inspectors made no remark, that everything was all right.” The asylum at Waterford, of which he was a governor for many years, was, until very lately, about as backward as any other in Ireland, as regarded moral curative treatment; and yet he could assert, that until the subject was brought before Parliament, neither the visitors’ book in the asylum, in which the Inspectors recorded their opinions, in the Report furnished to Parliament, or in communications with the board, was there anything to show that the Government officials did not consider that everything as regarded the diverting of the patients’ minds, and affording them salutary occupation, was unobjectionable; and what held good with respect to Waterford, it was reasonable to suppose was the same as regarded other places. If the improvement of asylums depended so much on local boards, the latter should be informed as to the requisites in an asylum for properly carrying out the moral treatment. He would probably be sneered at for trying, as it might be alleged, to make every governor a lunatic doctor. That was by no means his intention, and he was sure that the House would concur with him that every gentleman appointed to the office should be made acquainted with a few simple principles as regarded the requisites to aid the carrying out of a proper system of moral treatment. If it came within their province to decide whether they would or would not provide these, they ought to know what they were, and the reason for their being required. A half sheet of printed matter would inform every governor what he ought to know, or the same thing could be hung on the wall of the board-room or laid on the table, and members of the committee would then know whether patients were treated in conformity with correct principles, or whether the institution contained sufficient appliances for the purpose. The cost of this for all Ireland would be about two or three pounds, and as many hours trouble on the part of the Inspectors to draw up the table. As the hon. Baronet might, as before, seek to establish the superiority of the Irish asylums on the credit of two or three good ones, he would at once cheerfully admit that Richmond, Belfast, Sligo, Kilkenny,

and, he believed, Armagh and Londonderry, were in advance of the others; but that was just the reason that the Inspectors ought to exert themselves to bring the others up to them. The Chief Secretary would also probably cite the greater number of recoveries in the Irish asylums as a proof that they were much better managed than those in England. But if all the circumstances were looked into, that fact did not establish any superiority, because the Irish asylums were much better circumstanced for effecting recoveries than those in England, as in the former country, as a rule, the patients were placed under treatment for their malady at a much earlier period of the disease than in England. The reason was that in Ireland there was no outdoor relief for the insane, and where asylums were situated, from the high reputation they enjoyed, they were sent, generally speaking, by their friends at once into them, and the chances of recovery were therefore much greater; but in England their friends were often paid to keep them. When they became too violent for them, they were drafted into the workhouse, and finally arrived at the lunatic asylums in three-fourths of the instances chronic cases. In page 64 of his pamphlet on insanity he had remarked on this part of the subject—

“Owing to the unwise system pursued by the parochial authorities, the asylums have become so choked up with chronic cases that only 14 per cent. on the entire number in confinement, are curable; whilst on the other hand, no outdoor relief for the insane being permitted in Ireland, no inducement to keep them at home is thus held out; and, except in a few districts, where there is deficient accommodation, a comparatively small number of really curable cases are retained long in jails and workhouses. Besides this, I believe a greater amount of harmless patients, when recovery appears hopeless, are transmitted to the workhouse, than in England; the consequence is, that in Ireland the curable cases amount to 25 per cent on the entire number. If, therefore, on the average number under treatment in England 14 per cent are curable, and out of these 10 per cent on the entire number are cured, there ought to be, on the same calculation, within a fraction of 18 per cent of recoveries on the whole average number under treatment in Ireland, whilst there is, in reality, only 16. Continuing the calculation on the number amenable to recovery, it will be found that on the same principle the English asylums would be on an equal footing with the Irish, if the cures reached a fraction under 9 per cent, whilst actually the recoveries are 10 per cent. With regard to cures on admissions, if we bear in mind that ‘the facility of cures and the proportion of recoveries bear a direct ratio to the shortness of time that has elapsed from the origin of the complaint to the commencement of the treatment,’ and could accurately calculate the state of

curability of patients on their reception into the asylums of both countries, I have no doubt it would be found that Ireland was so much better off, as regards the curability of the admissions, that the recoveries were really less than what they ought to be.”

To show the benefit of a good system, he need only instance the fact, that whilst at Colney Hatch the recoveries were rarely beyond 15 per cent, sometimes as low as seven, at Leicester they had amounted to three times that number. There was nothing more incumbent on the executive Government than to improve the Central Asylum at Dundrum—in fact, to make it a model asylum, where candidates for the office of resident physician could learn their business. There the Government and Inspectors had it all their own way, uncontrolled by local boards, and yet he could positively state that three years ago, when he visited it, there seemed to be no difference between it and the worst of the other asylums. When the asylum immediately under Government management was in that state, was it to be wondered that others should be so deficient? In some instances, where local boards were disposed to withhold from patients whatever was calculated to solace them or promote their recovery, he thought Government were just as much called on to interfere as if there had been an interference with their medical treatment. The authorities concurred that judicious religious ministrations was most comforting and advantageous to patients, and yet in the intelligent town of Belfast the board of governors refused to have chaplains or religious service in the asylum, because, owing to some fanatical religious demonstration in that part of Ireland, several persons had become religiously insane. It might, no doubt, be prudent to be cautious how religion was touched on with those poor people, but surely it was very hard to deprive others who would be benefited from having the advantage of being present at religious observances. In conclusion, he heartily thanked the right hon. Baronet for what he had done to ameliorate the condition of the poor lunatic. It was a great and noble work, and he hoped he would persevere in it, as much remained to be done, but that much could with a little energy be easily accomplished. He hoped, as a further step, he would be induced to adopt the suggestion he had ventured to offer him regarding the informing Boards of Governors of the leading principles with respect to moral treatment. Very simple as the matter might appear,

he had no doubt, if properly carried out, it would be productive of most beneficial results.

SIR ROBERT PEELE said, it was not necessary to detain the House with any lengthened observations upon the subject, but he must express his acknowledgments to the hon. Member for the philanthropic feeling by which he was actuated, and the interest he had taken in the moral treatment and condition of the poor insane, not only in Ireland but in this country. Within the last two years a very great improvement had taken place in the management of almost all the lunatic asylums in Ireland. A Commission was appointed in 1856, when the right hon. Member for Stroud (Mr. Horaman) was Chief Secretary, and the evidence revealed a total absence of those amusements and recreations which unquestionably tended to produce the best results in the curative treatment of pauper lunatics. Since that time great improvements had been introduced. He would take two cases. In Richmond Asylum it was stated in 1856 that very little arrangement had been made for amusement; but what was the case now? In the Report just issued he found the following statement, "Great attention is paid to the amusement of the patients." In Dundrum Asylum also amusements were provided, such as handball, draughts, cards, and an occasional evening dance, when a piper was introduced; newspapers, periodicals, and some books were also provided for those who took an interest in reading. It had been suggested that a series of regulations should be drawn up, to be submitted to the local authorities, pointing out what occupations and amusements tended most to the curative treatment of the lunatic poor, and he would undertake that they should be attended to. The new rules and regulations introduced since he held his present office, had, on the whole, worked satisfactorily. There were resident medical superintendents instead of lay superintendents, who had direct charge of the patients in every one of these sixteen institutions in Ireland. The report from each was to be drawn up according to an improved formula. Every institution was to be separately treated, according to regulations given to the superintendent; and there were to be distinct columns for general observations, the number of the patients, the kind of amusements introduced, the dietary, the expenditure, and the cost of maintenance for each of the

inmates. A uniform system of book-keeping had also been introduced into all these institutions, and every attention would be given to have full details as to economy and management. The sanction of the Treasury had been obtained to the enlargement of the central asylum at Dundrum. The Board of Works had prepared a plan; a Vote of £5,800 was taken, with £250 for a Turkish bath, which was calculated to be of immense advantage, and they were endeavouring to establish one in all the great asylums. In addition there were six new asylums, three actually in the course of construction, at Ennis, Castlebar, and Letterkenny, and three others for which the ground was purchased and the plans made, in Down, Monaghan, and Wexford. He should be glad of any suggestion upon this subject from the hon. Gentleman, from whose exertions much good had resulted. He could assure him and the House that he was most desirous to improve the condition of the unfortunate class of persons to whom his Motion referred.

#### RESIDENCES OF DECEASED CELEBRITIES.—QUESTION.

MR. W. EWART said, he rose to ask the First Commissioner of Works, Whether, through the agency of the Metropolitan Board of Works, or otherwise, it may be practicable to have inscribed on those houses in London which have been inhabited by celebrated persons, the names of such persons. The places which had been the residences of the ornaments of their history could not but be precious to all thinking Englishmen; and when he reminded the House how rich the metropolis was in such associations, he thought they would agree with him that it was desirable some record should be placed upon the respective localities. Thus, Milton lived in a garden-house in Petty France, now No. 19, York Street, Westminster; Newton's house in St. Martin's Street, south side of Leicester Square, was now an hotel; Dryden died at No. 43, Gerard Street; Prior lived in Duke Street, Westminster; Sir Joshua Reynolds lived in the centre of the west side of Leicester Square; Hogarth lived in part of the Sablonière hotel; Flaxman at 7, Buckingham Street, Fitzroy Square—his studio was still there; Dr. Johnson died at 8, Bolt Court, Fleet Street; Goldsmith at 2, Brick Court, Temple; Gibbon at No. 7, Bentinck Street; Garrick

at the centre house, Adelphi Terrace; the great Duke of Marlborough died in Marlborough House; Lord Somers's house was still in Lincoln's Inn Fields; Lord Mansfield lived in King's Bench Walk; Samuel Rogers lived in St. James's Place, and Lord Macaulay in the Albany. Other nations were in the habit of preserving memorials of their great men, and there was no reason why we should not follow their example. In what way it should be done it was not for him to prescribe, although he had made a suggestion in his Question; but at least he hoped that the few remarks he had made would have the effect of calling attention to the subject.

Mr. COWPER said, he thought that as much interest was felt in England for departed greatness as in other countries. He agreed with his hon. Friend in thinking that it would be desirable that they should be able to recognise the spots where persons of eminence and fame had resided. The matter might fall within the functions of the Metropolitan Board of Works, but still it was the right of the owner or occupier of a house to write upon it what he pleased, and it might not be desirable to compel a man to place upon his house the name of a person who did not then live there. Some persons liked to put their own names on a brass plate upon their doors, and might not wish to have the name of an eminent departed person also there. Some owners, too, might object to having the antiquity of their houses so prominently revealed, especially if they were thinking of selling them. If those difficulties could be got over, it would, no doubt, be gratifying to the public to be able to identify the houses in which such men as Newton and Reynolds had lived.

#### DETENTION OF THE "GIBRALTAR." QUESTION.

LORD ROBERT CECIL said, he rose to ask Mr. Chancellor of the Exchequer, Whether he is prepared to propose the grant of any compensation to Captain Blakeley for the loss occasioned to him by the detention, without cause, of the vessel *Gibraltar*; and whether the Government will lay upon the table the depositions or informations upon which the Government acted in that case? In the business-like state of the House [there were but fourteen hon. Members present] he owed an apology, perhaps, for bringing the matter forward. But he did so because he be-

lieved the interests of a meritorious individual had suffered at the hands of the Government. The facts of the case were very simple. Captain Blakeley shipped two guns to a neutral foreign port on board the *Gibraltar* at Liverpool. They were fort guns, weighing twenty-one tons each, and therefore could not possibly be used for the armament of any ship, much less a small schooner like the *Gibraltar*. In fact, it would have been impossible to use them on board the *Duke of Wellington*. Upon the 10th of June the Government, acting, he believed, upon the information furnished by Mr. Adams, sent down to stop the ship from going to sea. There was no doubt such a step was legal, but whether in this case it was not an extreme exercise of the power was a point which he should like to submit to the Solicitor General. If the detention of the ship had been but for two or three days, until some competent person had ascertained that there was no ground for the supposition that those huge guns could be used for the armament of the ship, there would have been no ground of complaint. But, instead of that, the vessel was detained from June 10 to June 30, and he was told that even then she would not have been released had not the matter been accidentally mentioned in that House. A telegram was sent down the next day, and the detainer of the collector of customs was taken off. She had been detained upon the supposition that these enormous guns could be used for the armament of the ship, but the real truth was that the American Minister was desirous of preventing the *Gibraltar* putting to sea with those guns, which might, through some neutral port, eventually find their way into the Confederate States. Captain Blakeley had lost considerably by the act, not only by demurrage, in failing to comply with a contract, but an impression had gone abroad among those who had employed him, not only in the Confederate States but in all parts of the world, that he was the object of special aversion to the American Ambassador, and that the American Ambassador had the power, through the British Government, of interrupting his trade. He (Lord Robert Cecil) had been assured by Captain Blakeley that orders to a large extent which would naturally have been given to him had been sent to France in consequence of this act of the Government. The French trader stood in a fortunate position as compared with our mer-

Mr. W. Ewart

chants. Our Government had a policy, which was to stand up boldly for the rights of Englishmen when a weak Power was in question; but when they had to deal with a strong or combative power like America, their enthusiasm and valour wasted away. [Viscount PALMERSTON: The *Trent* affair.]

The noble Lord referred to the *Trent* affair. That subject had been invaluable to the Government, for they had traded on it ever since. Every act of concession, every act of mean submission to which the Government had consented since then had been excused by a reference to the *Trent* affair. But anybody who looked back to that affair would see that the action of the Government was neither so prompt nor so decided as they wished their countrymen to believe. It was only when they discovered the intensity of the indignation felt by Englishmen of all opinions and creeds, that they felt themselves bound at the peril of their places to take those active measures of which they had since made such judicious use. But the Emperor of the French laid under no such suspicions. The Emperor, undoubtedly, defended the interests of his subjects against weak Powers, but he also defended them against strong Powers; and the result had been that a large portion of the trade which our countrymen, in consequence of their superior skill and energy, would otherwise have possessed, had been carried to France, because merchants and shipowners knew, that happen what might, the American Government would not dare to commit an outrage upon the French flag. There were many sufferers in this country from that feeling, and none greater than Captain Blakeley, who, as he was informed, had lost from £20,000 to £30,000 in consequence of the action of the British Government. [*A laugh*] The hon. Member for Sheffield (Mr. Hadfield) laughed at that statement. He did not profess to have seen the accounts; but if there was anything in the general opinion that any guns manufactured by Captain Blakeley would be stopped at the instance of the American Ambassador, even the hon. Member for Sheffield would admit that such an opinion would be very prejudicial to a man's business. It was true that Captain Blakeley might have a right of action in a law court, and no doubt the Chancellor of the Exchequer would not fail to advance that argument; but the cost of legal proceedings was so enormous, and the facilities for lengthening them out and carrying a case

from court to court were so illimitable, that the Government, if they chose to use the power of their long purse, might break any law with impunity. Captain Blakeley had his remedy, undoubtedly; but in getting it the Government could put him to such enormous expense that probably, as a prudent man, he would find it more judicious to remain silent. But, having done him that injury by their own act, the Government ought to deviate from the strict legal right, and make some compensation to a gentleman who had been the victim of their mistaken action. He hoped the Government would make no objection to laying on the table the informations or depositions on which they had acted. There was a great desire to know who it was that had set the Government in motion. By producing the depositions they might possibly free themselves from the suspicion of having acted on the information of spies furnished by the American Government; but if they refused them, they would certainly be liable to that suspicion. He had been strongly pressed to ask, too, for the opinions of the Law Officers; but he should not make the request, as he was aware that the Government would be supported by the usages of the House in refusing to grant it. But, if he was not misinformed, those opinions had not been used merely for the information of the Cabinet, but had been sent down to the authorities of the Customs, and had there been converted, as it were, into the orders of the Government to their subordinates. If that were the case, they had lost the sacredness of their character, and no longer possessed the privilege of secrecy. He was told, too, that these opinions went beyond the law of the case, and contained suggestions on matters of policy. If the House allowed a practice to grow up of turning the opinions of the Law Officers, which were never made public, into orders to the subordinate officers of the Government, and of introducing into them suggestions of policy as well as mere opinions on matters of law, it would in time find many matters withdrawn from its cognizance which ought to have been submitted to it. He hoped the Chancellor of the Exchequer would be able to contradict the rumour to which he referred, and would be able to promise that some compensation should be given to Captain Blakeley.

THE CHANCELLOR OF THE EXCHEQUER: My answer to the noble Lord's Question will be very simple, and I am afraid very dry. The case of Captain



Blakeley is in no way before me, I have no official knowledge of it, and it would be absurd in the Finance Minister to propose a grant of compensation to a person from whom or on whose behalf no appeal has been made, and who he has therefore no reason to believe had suffered any wrong. That is really the only answer I have to give to the first part of the noble Lord's Question. With regard to the latter part of the Question, it had escaped my notice, or I should have referred to my hon. Friend the Under Secretary for Foreign Affairs. I am not able to answer it, but I should say that it is an entirely unusual course to produce such informations or depositions. The noble Lord has made a mistake in putting this Question to me, and in making it the vehicle of an attack upon the general policy of the Government in respect to America, and particularly in reference to the *Trent*. He would have done better to call the attention to these matters of the proper departments which have cognizance of such things, than to put a question to the Finance Minister, who has no departmental knowledge of the circumstances, and whose only accidental connection with it is, that as it involves a matter of money, it may some time or other come under his consideration, and also that the Treasury is the medium for transmitting to the Customs authorities the instructions received from the Foreign Office. The Foreign Office is the Department which is responsible for taking the judgment of the Law Officers, and it is the Foreign Office which directs all proceedings in such matters. The Foreign Office forms conclusions, and the Treasury transmits those conclusions to the Customs authorities. As far as my information goes as to this case, it is at variance entirely with the statement of the noble Lord. If I am not misinformed, the Government did not volunteer any interference in the case of the *Gibraltar*. An inquiry was addressed to them by parties connected with her to know whether the guns would be of themselves a cause for the detention of the vessel. No time was lost in investigating the point, and at the earliest possible moment a clearance was given to her. In point of fact, there was no delay in her departure for which the Government can be responsible. When I heard the description given by the noble Lord of the *Trent* case, of which I know something, I became a little suspicious of the circumstances of the *Gibraltar*, of which I know

nothing. A more complete, entire, and absolute misconstruction and misrepresentation than the noble Lord has given of the conduct of the Government in reference to the *Trent* it is impossible to conceive. On the part of the Government I entirely repudiate the charge of truckling to the United States. The Government have acted towards the United States with feelings more liberal and more just than those displayed by the noble Lord, who seems to have entered into this question in a spirit of the most decided partisanship. It has been the duty of the Government in difficult and complicated circumstances to steer an even course, and they have endeavoured to steer that course. They have been taken to task in this House and out of it for their slowness in putting the principles of the Foreign Enlistment Act into operation on behalf of the Government of the United States, and now the noble Lord more rudely attacks them for sacrificing the interests of this country in deference to the United States. We appeal to the public from the noble Lord, and I feel perfectly convinced that the public will give us credit for an honest endeavour to do our duty and for being incapable of the conduct which the noble Lord imputes to us when he says our principle and policy are to bully the weak Powers of the world and truckle to the strong.

#### SALMON FISHERIES.

##### OBSERVATIONS.

MR. HUMBERSTON said, he wished to call the attention of the House to the Petition of Mr. Robert Topham, showing, that by the operation of the Salmon Fisheries Act, 1861, he has been entirely deprived of his right of fishing for salmon in his chartered fishery in the Dee, at Chester, without compensation or redress, and that his property in that fishery has thus been virtually confiscated; and to move—

"That, in the opinion of this House, a wrong has been done to Mr. Topham in this case, and that a remedy should be applied to redress it."

The Act provided, that unless a certain fish pass was placed upon the weir, the owner was prevented from using his salmon cage or fishing his fishery, and it appeared that by the operation of the Act Mr. Topham was placed in this dilemma—if he erected the fish pass, he injured the mill to a greater value than his fishery; and if he neglected to do so, he lost his tenant. The tenant, supposing that he was exempt from the operation of the above-mentioned provision

by another clause which had reference to ancient rights, continued to fish; but the penalties of the Act had been enforced, and upon an appeal the prohibition was held to apply in the case.

MR. SPEAKER said, it was not competent for the hon. Member to make a Motion, the House having already decided that the words proposed to be left out should stand part of the Question.

MR. H. A. BRUCE observed, that if there was any reasonable cause of complaint it ought to have been brought forward when the Act was under consideration. He might add, that the same question as that to which the hon. Gentleman had called attention was raised in the discussion upon the Irish Salmon Fisheries Bill, and the House of Commons in that case was not prepared to interfere with a view of making any relaxation in the operation of the Act.

#### CASE OF MR. CHISHOLM ANSTEY. OBSERVATIONS.

COLONEL DUNNE said, he rose to call attention to the case of Mr. Anstey, late Attorney General at Hong-Kong, and to ask what reparation has been made to him for the injustice acknowledged to have been done him by the authorities in that colony. Mr. Anstey was formerly a Member of that House, and was respected by every one for his fearlessness in debate and honesty of purpose. He was celebrated for a speech which he made inculcating the noble Lord at the head of the Government. The noble Lord on that occasion delivered a speech of four hours' duration, which produced a greater effect and sensation than any speech which he recollected to have been delivered within the walls of Parliament. There was nothing in the speech of Mr. Anstey to excite the personal dislike of the noble Lord, and accordingly the noble Lord, some time after, sent Mr. Anstey to China as one of the high legal authorities of Hong-kong. Soon after his arrival, Mr. Anstey perceived, as he thought, the members of the Government at Hong-Kong in many instances corrupt, and he brought charges of a very serious character against them. From the authorities at Hongkong Mr. Anstey received no support; a quarrel was the consequence; Mr. Anstey pressed his charges with still greater vehemence, and the result was that Mr. Anstey was dismissed from office. Mr. Anstey still pressed his charges against the chief officials, including the Governor, and

the Secretary to the Governor, but especially against Mr. Caldwell. When the Earl of Derby came into office, an inquiry was ordered, not only into Mr. Caldwell's conduct, but also into that of the other officers implicated; but the Duke of Newcastle soon afterwards succeeding to the Colonial Office, Sir Hercules Robinson succeeded Sir John Bowring as Governor of Hong-Kong, and was sent out with orders to inquire into the conduct of Mr. Caldwell alone. The inquiry was a very protracted one; it lasted from August to the beginning of the following year, and the result was that the charges which Mr. Anstey brought were proved to be established. Those charges were, that Mr. Caldwell was in league with pirates in those seas, and that he exerted his influence over the Government at Hong-Kong to induce them not only to connive at the pirates, but actually to assist the pirates with the Government vessels. The circumstances of the whole case were altogether so suspicious as to make any man who voted against the Government on the occasion of the *Iorcha Arrow* affair congratulate himself on that vote. The fact was, as was proved by the papers which had been laid on the table, there were at that time in the seas about Hong-Kong two classes of pirates, who might be called Government pirates, and Opposition pirates; and Mr. Anstey attacked, with perhaps more warmth than discretion, those officials whom he believed to have been guilty of abetting the Government pirates. The Duke of Newcastle, however, threw a shield over all that were accused except Mr. Caldwell, and therefore it would be impossible to say whether they were guilty; but there seemed to be grounds for suspicion enough to fix a stigma upon the Duke of Newcastle for not having inquired into the whole affair. He (Colonel Dunne) invited an examination of the papers, which would be found to bear him out in what he stated. He was not surprised that the Government had removed Mr. Anstey from office for having made accusations apparently so monstrous and so unlikely to be proved; but when they were proved, surely the Government were bound to make him some reparation for what he had suffered. Mr. Anstey applied to the noble Duke, and any Englishman would have supposed that his Grace could not have hesitated to make some *amende* for the injustice he had suffered. But he actually refused, on the ground of expense, to publish a large part of the evidence which had been

brought before the court of inquiry. At last Mr. Anstey forced from the Colonial Office an acknowledgment that he had been right. He (Colonel Dunne) was not aware that that acknowledgment had ever been included among any papers published by authority, but it had been printed. The letter was genuine, and every Englishman who saw it would be astonished that such a letter had been written. The Duke of Newcastle stated, through the hon. Gentleman the Under Secretary for the Colonies (Mr. Chichester Fortescue), that there were other grounds upon which he founded his dismissal besides the fact that Mr. Anstey had made the accusations, and then the letter proceeded thus—

“ Having made these observations, I am directed to inform you that the Duke of Newcastle is perfectly ready to express his opinion that the proof of the charges of which you were the principal author, brought against Mr. Caldwell before the Commission of Inquiry of 1858, has been substantially established by the recent investigation before the Exchequer Court, as far as the culpability of his connection with Mu Chow Yong is concerned. Consequently, it cannot be said, in the words of Sir J. Bowring, that none of these charges had been substantially proved. His Grace will go further, and say that in forcing a public inquiry into that officer's conduct, you did in that respect render a material service to Her Majesty's Government at Hong-Kong.”

He knew that it was said Mr. Anstey made a bargain, that if he were allowed to clear his character, he would not ask for more, but it was disgraceful to Government on that account to exclude Mr. Anstey from office. Of all men the Duke of Newcastle ought to be aware that faults committed in office were not held afterwards to constitute a reason for exclusion from office. The noble Duke must know that the people of this country were very forgiving, and that a man of tried and proved incapacity in one Administration could yet be a Minister in another Administration. Therefore, he thought that the noble Duke ought to have taken a more Christian and considerate view of the errors, if errors there were, of Mr. Anstey. Whether there were other faults committed by Mr. Anstey as Attorney General of Hong-Kong he knew not, but in respect to the charges which Mr. Anstey brought forward the Government stood convicted of having done him injustice; and it was neither generous nor fair to have acted towards that gentleman as they had done. The conduct pursued was so unlike anything he had ever known to proceed from the noble Lord at the head of the Government that he was perfectly

*Colonel Dunne*

certain the noble Lord was no party to it. No man stuck more by his subordinates than the noble Lord, and that, he believed, was one of the causes of the popularity which placed and kept the noble Lord on the Treasury bench.

Mr. CHICHESTER FORTESCUE said, that the question of the case of Mr. Anstey and the Colonial Office had been for five months past in the hands of two hon. Members of that House, sitting on opposite sides, whose opinions were deserving of the greatest weight—he alluded to the hon. and learned Member for East Suffolk and the hon. Member for Birmingham. During the last two months they had both been in communication with the Colonial Office, and were both perfectly satisfied with the treatment which Mr. Anstey had received from the noble Duke at the head of that office. When the hon. and gallant Gentleman attacked the noble Duke the present Colonial Secretary, he aimed his fire in the wrong direction, for the gallant Gentleman ought to have attacked the Colonial representative of the late Government. Mr. Anstey was dismissed from office by the right hon. Member for Hertfordshire (Sir E. Bulwer-Lytton). He (Mr. C. Fortescue) thought that the right hon. Gentleman was quite right in what he did, but the only charge that could be brought against the Duke of Newcastle was that he had not thought right to overrule the decision of his predecessor. The statement made by the hon. and gallant Member of the causes which led the late Colonial Secretary to dismiss Mr. Anstey from office had been a very defective and fallacious one, and all who read the reasons given, in his despatch, by the Governor of Hong-Kong, for dismissing, with the unanimous advice of the Executive Council, Mr. Anstey from office, would find that those reasons extended far beyond the single issue raised by the hon. and gallant Gentleman. The fact was that Mr. Anstey, from the moment when he arrived at Hong-Kong, manifested, in spite of his great and undoubted ability, such a want of temper, discretion, and judgment in many respects as confidential adviser of the Governor, that it was more than once a question whether it would be possible to retain him in office. In one case in particular it was with great difficulty that Lord Taunton, then Mr. Labouchere, had been able to feel it his duty to retain Mr. Anstey in office; and the circumstance to which the hon. and gallant Member had alluded, so

far from being the original cause of Mr. Anstey's suspension and dismissal from office, was but the last drop of water in the bucket. The hon. and gallant Gentleman put the issue entirely on the question whether another official in Hong-Kong, against whom Mr. Anstey brought a list of charges, was or was not a fit person to remain in office in Hong-Kong; but that was not the issue on which Mr. Anstey's dismissal took place. No doubt, Mr. Anstey brought a long string of accusations against another official in the colony, some of which were disproved, and others were proved; but the real ground of Mr. Anstey's dismissal was not whether all those charges were true or false, but whether as Attorney General of Hong-Kong and legal adviser of the Government Mr. Anstey had not brought forward those charges in such a way, and treated his superior, the Governor, in such a manner as to warrant the Government in not continuing him in a confidential position in the Colony. From the evidence contained in the blue-book, it appeared that Mr. Anstey had shown a violence and virulence of temper, and an excess of personal animosity and want of respect towards the Governor, which, irrespective of the truth or falsehood of the charges brought against the official in Hong-Kong, caused the then Colonial Secretary to come to the conclusion that Mr. Anstey, in spite of his remarkable ability, was not a safe person to be continued in the responsible post of Attorney General and legal adviser of the Governor. With regard to the official against whom charges were brought, a rigorous investigation into his conduct was ordered. One of the first acts of his noble Friend was to direct the Governor of Hong-Kong (Sir Hercules Robinson) to institute a thorough and searching inquiry into the conduct of Mr. Caldwell, who was then what was called Protector of the Chinese, and against whom charges had been brought by Mr. Anstey. That investigation took place. It lasted some time, and was conducted with great care. The result was that Mr. Caldwell was pronounced to be an unfit person to be retained in the service of Her Majesty, but in the most cautious terms, and without endorsing one-half of the charges against him by Mr. Anstey. That cause, however, had really nothing to do with the question of Mr. Anstey's fitness for a high official position. His noble Friend instructed the Governor to dismiss Mr. Caldwell, which was done ac-

cordingly. Shortly afterwards Mr. Anstey applied to his Grace to be reinstated in his office, proceeding on the assumption that the judgment against Mr. Caldwell amounted to a decision in his own favour, and that because the former was deemed unfit to be Protector of the Chinese, it followed that he, Mr. Anstey, was fit to fill the office of Attorney General at Hong-Kong. The noble Duke, in reply, very naturally pointed out that there was no connection between the two things, and stated also that the grounds upon which Mr. Anstey had been suspended went far beyond the question immediately at issue, the case, namely, of Mr. Caldwell, and that there had been an accumulation of reasons showing that he was not qualified to act as the confidential legal adviser of the Governor. His noble Friend therefore refused the application. Some time afterwards Mr. Anstey addressed another letter, in a very different tone, to the Duke, stating that he no longer pressed for reinstatement or compensation; but that as he had entered on a new career at the Indian bar, he hoped his Grace would furnish him with some expression of opinion as to his conduct at Hong-Kong, which would relieve him from any undeserved slur that might have been cast upon him to the injury of his professional prospects. His noble Friend gave the most careful and generous consideration to that application; and although he had made up his mind that it was not his duty to reverse the decision of his predecessor in regard to Mr. Anstey, he was anxious at the same time to say as much as he could, consistently with his own convictions, to establish that gentleman's character. It was with that view that the letter of his noble Friend to Mr. Anstey was written, and he was sorry to find that it had been turned against the writer, and construed into a confession of error, and a ground for claiming further compensation for the gentleman in question. That letter was gratefully received by Mr. Anstey, who, in acknowledging it, expressed his satisfaction with its contents, and certainly gave the Government no reason to suspect that either he or any friend on his behalf intended to base on it a complaint of ill-treatment and a demand for compensation. He was personally acquainted with Mr. Anstey, and entertained a high opinion of his remarkable ability and original mind; but he must express his conviction that full credit had been given to him for the truth of his principal charge

against Mr. Caldwell, and for the public service which he performed in making that exposure, but that his violent temper and want of discretion warranted the former Secretary of State in suspending him, and his noble Friend in confirming the decision of his predecessor.

PROTESTANTS IN SPAIN.—FATHER  
CURIEL.—OBSERVATIONS.

MR. GRANT DUFF, in asking for any additional information which it may be convenient for Her Majesty's Government to give with regard to the case of the Spanish exiles, said: I wish to make a few remarks, chiefly for the purpose of bringing on, if possible, a conversation which may show to the Spanish authorities, that while we wish them to go further than they have done, we are by no means insensible to the concession which has been recently made to the public opinion of Europe; and that we are desirous to speak on this painful subject in a way which cannot possibly offend the susceptibilities of a proud and high-spirited people. The facts of the case of Matamoros and his companions in misfortune are, no doubt, within the recollection of most hon. Members. They were brought before the House in 1861 and 1862. Within the last few weeks a further step has been taken by those who sympathized with these much injured men, and the severe sentences which were passed upon them have been commuted into sentences of banishment, in partial compliance with the representations of a number of philanthropic persons, who were charged to speak the sentiments of large bodies, as well of Catholics as of Protestants, in various parts of Christendom. It has been said that some of the Granada and Malaga Protestants were concerned in a political conspiracy; but no evidence has been brought in support of this assertion, while their humble circumstances and want of influence make it extremely improbable. There was a time, not so very long ago, when the whole soil of Spain seemed to heave with volcanic forces; but the throne of the present dynasty is now firmly established, and the *res dura et regni novitas* cannot now be adduced to justify suspicion and severity. Again, it has been frequently repeated by, as it seems to me, somewhat injudicious friends of Spain, that Matamoros and the rest were punished, not as Protestant converts, but as Protestant propagandists. Well, supposing we admit

*Mr. Chichester Fortescue*

the fact. Is that an argument which will suffice to absolve Spain in the judgment of English, or Irish, or Dutch Catholics? Why, if Catholic propagandism were forbidden in England, Ireland, or Holland, what a pleasant life the Catholics would lead of it in these three countries! In each of them there are Protestant bigots who would fain treat Catholics as Protestants are treated in Spain; but we, the same who now ask Spain to be just to our co-religionists, are strong enough, thank God, to keep a good tight grasp on the throats of our own bigots, who would oppress, if they could, the co-religionists of Spain in this country. A certain amount of mist has been raised about the facts of the case, by a few bigoted Catholic writers; but I have never seen the facts admitted and defended except once, and that was in a French pamphlet, the writer of which had the hardihood to assert that our modern civilization is far too uniform; that different countries have different missions; and that as it is the mission of England to be constitutional, and of France to be military, so it is the mission of Spain to reconcile Catholicity and monarchy, and to drive Protestantism far away from the holy soil of Castile. That argument I think I may safely leave to be treated with the scorn it merits by the Catholic Members of this House. If the Spaniards are thoroughly convinced of the soundness of their own opinions, I cannot understand their objecting to have them freely discussed; but even if they are not thoroughly convinced of their soundness, it does indeed surprise me that they should exhibit such signs of alarm at a movement which, so far as I am able to judge, has, if I except the courage of the sufferers, not one of those signs or notes which one looks out for as heralding the commencement of religious change. No Catholic Gentleman in this House will be surprised to hear me say, as a conscientious Protestant, that I believe the day will come when the Cathedrals of Burgos and of Seville will no longer belong to the adherents of the creed of Pope Pius, although he will naturally smile at the idea, but I am content to leave to the Spaniards the "infinitely delicate task" of reconciling their old religion with the new facts which time must inevitably force upon them, and to abstain from any rash and blundering interference. But that does not make it wrong for me to implore the Spaniards, if they have among them persons who de-

rive, or think they derive, any advantage from the perusal or distribution of such tracts as *Andrew Dunn*, which figures in the history of Matamoras, or as tracts which within the knowledge of an hon. Member whom I see opposite were actually floated on to the Spanish coast in bottles as part of a missionary enterprise, at least to leave them alone, and let them enjoy in peace such harmless means of edification. If I were a Spanish politician, determined to keep up Catholicism as an engine of State, although disbelieving in her principles, I should be very unwilling to allow really important attacks upon her to be circulated. I should vehemently object, for instance, to have Professor Hase's recent Manual of Protestant Polemics in the hands of the students of Spanish Universities. I should be rather shy of having the Bible circulated without note or comment amongst the people; but the more that Protestantism brought itself into disgrace, by distributing such trash as is now, it would seem, too often prepared for export to Spain, the better I should be pleased. I should leave with great confidence the breviary and the missal, studded as they are with many of the most remarkable devotional compositions of the human intellect, to fight their own battles against such tracts as *Andrew Dunn*, and the others to which I have alluded. I believe, Sir, if the whole truth were known, it would be found that the conduct of Spain in this matter has been influenced as much by the state of her foreign relations as by either religious bigotry or domestic policy. The Spaniards assert that Gibraltar is the centre of a Protestant and English Propaganda. Now, just imagine what would be the feelings of Englishmen if Spain held the Isle of Portland, and used it as an advanced post from which to disseminate the doctrines of Rome. We should, I think, find it very hard to bear even now; but the comparison is not exact, for in all that relates to religious toleration Spain is not more advanced than we were a hundred years ago, and the little heretical books which are sent from the foreign fortress raise transports of rage which a rosary or a copy of the *Garden of the Soul* would hardly now excite even in Exeter Hall itself. Well, Gibraltar is a word which raises a large question, into which he is a bold man who enters; but I may surely say, that if I could see Spain what I wish to see her — Spain the hearty enemy of

the slave trade, Spain the friend of toleration, Spain as unblemished in her pecuniary integrity as in her Castilian honour, Spain the convert to free trade — I would be well content to see her flag floating over the Rock, even if I thought only of the merest selfish interests of England. Spain has, of late years, exhibited a revival of material prosperity which must be gratifying to every one who is not an enemy of the human race. She has lessened the distance between herself and her European rivals very perceptibly indeed; but she has done so only by following the same precepts which have made her rivals prosperous. Without perfect intellectual freedom, her revival cannot go beyond a certain point, and that point she is rapidly approaching. When she reaches it, she will reach the parting of the ways, and must choose whether she will follow the path of liberty of thought which leads to all earthly prosperity, or the path of intellectual bondage, which leads all who tread it steadily, whether they call themselves Catholics or Protestants, to one and the same point, and that, Sir, is the Valley of the Shadow of Death.

SIR GEORGE BOWYER said, he could not blame the hon. Gentleman for what he had said, as he fully concurred in some of the sentiments he had expressed. At the same time, he could not agree with him that the reading of the Bible could be any injury to Catholicity. He believed, on the contrary, that the more people read the Bible, the more they would see the truth of the Catholic religion. It was a great mistake to suppose that the Catholic Church objected to the reading of the Bible. Many Popes had strongly inculcated the necessity of reading the Bible. The only question between Catholics and Protestants was what was the rule of faith to be applied to the Bible, the Protestants claiming the exercise of private judgment, the Catholics yielding obedience to the authority of the Church. But, without dwelling further on that point, he would proceed to state the facts of this case. If he believed that Matamoras and his friends represented some party in Spain who were teaching in an unobtrusive manner, and without violating the laws of their country, what they believed to be true, he should say that there was something in the arguments which had so frequently been addressed to the House; but the real truth was far otherwise. Matamoras in 1845, having engaged in some political conspiracy, was obliged to

fly from his country. Afterwards an amnesty was published, and he was enabled to return. He then became a soldier, and subsequently was appointed a lay agent of an English committee at Gibraltar, consisting of Presbyterians, Methodists, and one not very distinguished member of the Church of England, whose object was the propagation of what they considered to be true religion in Spain. He received forty-five dollars a month for his services, but so little sincere was he that he declared to one of his associates that he did not believe in any religion at all, and had engaged in the undertaking simply as a speculation. The English committee did not make much progress, because they did not represent one Spanish idea. Spain repudiated Protestantism. A Spaniard might be made almost anything; he could be made an infidel, but it was quite impossible to convert him into a Protestant. Matamoros became the agent of that Propagandist Society in Spain, and he and others were also supposed to be agents for the propagation of revolutionary and socialistic opinions, and their proceedings soon attracted the notice of the Government. If these persons had been sincere religionists, the Government might have acted differently; but knowing that they were only the paid agents of an English society, and that they did not represent any Spanish idea, the Government put the laws of Spain in force, which declared the Catholic faith to be the religion of the State, and did not permit any person in a public and ostentatious way to propagate a different religion among the people. The Spaniards were perfectly satisfied with those laws. They were the constitutional laws of the kingdom, and what right had Englishmen to criticise the laws of another country? He believed that the Spaniards repudiated any attempt on the part of any foreign society, by means of paid agents, to introduce religious discord into the country, which, as regarded religious questions, was in a state of profound peace. He was informed that Escalante, one of the associates of Matamoros, had since returned to the Catholic Church, had expiated his apostasy by penance, and was now a faithful son of the Church. He had seen that what was done by his associates was done by them out of mercenary motives. He (Sir George Bowyer) then denied that that was a proper matter for discussion in the House of Commons. There was but one religion in Spain. In England there were many sects

and denominations, and every latitude was given to the propagation of religious opinions. In Spain, however, it was still possible to enforce the national faith. A Spanish Protestant was a contradiction in terms, and Protestant propagandism in Spain was sure to fail. Such a society might stir up religious strife, but it would never protestantize Spain. He trusted that Her Majesty's Government would not do so unwise a thing as to interfere in the matter. They had much better leave the Spaniards to manage their own affairs.

Having brought those remarks to a close, he had to ask the indulgence of the House in a matter affecting the public and private character of persons who had no opportunity of appearing and defending themselves in that House. The noble Lord at the head of the Government was aware that some time ago a statement was made by him to which his attention had been since directed by the notice that appeared in his (Sir George Bowyer's) name. His statement was that in a public church at Rome a celebrated ecclesiastic, named Father Curci, had addressed reproaches of the strongest nature to the King of Naples, Francis II., in the presence of the congregation there assembled, and of a large body of the nobility forming the Neapolitan emigration in Rome. The preacher was represented as having accused that unfortunate and illustrious Prince of a very great offence—namely, of having wantonly and without any hope of advantage—indeed, no advantage, political or otherwise, could have excused such a step—sent bands of robbers and murderers—persons of the most atrocious character—to commit the most atrocious crimes in his dominions, which were usurped by his neighbour and relation the King of Sardinia. It was sought to be deduced from that statement that the King had been guilty of these offences. That statement on the part of the noble Lord attracted attention, and created great pain and dismay, not only on the part of the Sovereign, but of the nobility and others attached to his cause. He had received a letter from Father Curci, in which he denied the use of the words attributed to him, and stated that he never in the course of his sermon made the slightest allusion to any political matter whatever. He had also received a letter signed by persons of the highest rank in the south of Italy—namely, the Prince of Bisignano, the Duke of Regina, *Cavaliers Natali di Al-*

tavilla, Joseph Ricciardi Count of Camaldoli, Baron Camillo Nolli, the Duke John Riario Sforza, the Prince of Chiaramonte, the Prince of Aquaviva, the Duke of Madaloni, Count Enrico Statella, Count Anthony Bianculli, the Duke of Terra Canzano, and the Duke of St. Valentino. These gentlemen thanked him for the course which he had felt it his duty to take, protested against the cruelties practised towards their countrymen by the Piedmontese, and emphatically denied the statement which was intended to criminate the King. They asserted that no such charge had been brought against him. He had also a solemn legal instrument executed before a notary public, who, as hon. Gentlemen were aware, was in Rome a public magistrate of great weight, and which ran as follows :—

“Before me, Domenico Monti, notary public, &c., appeared the witnesses hereinafter named,—that is to say, his Most Rev. Exoelleney Monsignor Aceorde, Bishop of Anglona and Tursi, his Most Rev. Exoelleney Don Michael Alisia, Bishop of Patti, &c. (here follow the names of twenty-two persons of the highest distinction—prelates, princes, dukes, and other noblemen), who spontaneously make and have made the following deposition, declaring that having heard on the 3rd of the present month the sermon of the Rev. Father Curci, in the venerable church of the Spirito Santo dei Napolitani, the said Father Curci said not a word nor did he make any allusion, direct or indirect, even in the most remote manner, to or regarding the King or the reaction, or the improperly called brigandage. We also declare that the said Rev. Father Curci preached about the vice of idleness, and not about the so-called brigandage; and we further declare that the said Father Curci never preached any other sermon before His Sacred Majesty the King our Lord, nor before the Neapolitan emigration residing at Rome. This we declare to be the simple truth, which we are ready to affirm on oath before any competent tribunal.”

No doubt if it had been true that before the altar of God a preacher had charged the King with sending persons not to support his authority, but to commit crimes in his dominions, that would have been a charge of a serious character, but he thought he had shown that the statement which had been quoted against the King was utterly groundless, and he had no doubt that the noble Lord would have the generosity to state at once that he had been entirely misinformed, and would express his regret that he had made a statement so derogatory to the character of an illustrious Prince, and one who was in misfortune. He would therefore say no more, but would leave the matter in the hands of the noble Lord.

Mr. MONSELL trusted that the noble Lord at the head of the Government would pardon him if he intervened for a few moments between him and the House. His hon. Friend the Member for Dundalk had been unable to avoid, from the rules of the House, which prevented him from speaking a second time, mixing up two questions. It was with the first question alone, that raised by his hon. Friend the Member for the Elgin burgh, that he proposed to offer a few observations. That question was the one of religious toleration. There were only five countries in which religious toleration did not exist—one Greek, Russia; one Catholic, Spain; and three Protestant, Holstein, Mecklenburg, and Sweden. There was no religious consideration, therefore, brought under their notice. It was simply a political and social one. Were the five countries he had mentioned right in their views, and were the rest of the civilized nations of the world wrong? He should express his views in the language of one who not only was one of the greatest thinkers and orators of this generation, but who also could not be accused of indifference, as he wore the habit of St. Dominic. That great man had used the words he was about to quote. Father Lacordaire said—

“The public conscience will always repel the man who asks for exclusive liberty, or forgets the rights of others; for exclusive liberty is but privilege, and liberty, forgetful of the rights of others, is nothing but treason. And there is in the heart of the honest man who speaks for all, and who, in speaking for all, sometimes seems to be speaking against himself—there is in that man a power, a logical and moral superiority which almost invariably begets reciprocity. So, Catholics, know this well, if you want liberty for yourselves, ask it for all men under heaven. If you ask it for yourselves only, it will never be granted. Give it when you are masters, in order that it may be given to you when you are slaves.”

He would not discuss with his hon. Friend their position at Gibraltar, neither would he speculate upon the future destination of the cathedrals of Toledo or Seville. His hon. Friend anticipated the time when they would be occupied by Protestants. He had, however, omitted to inform the House to which of the forms of Protestantism he intended to hand them over. He had no fault to find with his hon. Friend's tone. Generally, those who advocated toleration in the House took that opportunity of manifesting their own intolerance. He had no such complaint to make of his hon. Friend—he agreed with him that the question was one of extreme delicacy. They had to deal,



not with the Spanish Government, but with the deep-rooted and hereditary prejudices of the Spanish people. He could not believe, for instance, that Marshal O'Donnell, whose own ancestors were driven from their country by religious persecution, could be an advocate for the proceedings that were complained of. It was notorious that he was not so; their own experience, unfortunately, could make them understand the difficulties of the Spanish Government in a matter of this sort. Take the question of Catholic Emancipation. For how long a time after it was advocated by almost every statesman did popular prejudice prevent it from being carried? They had lately discussed the present ecclesiastical settlement of Ireland. It was notorious from their own expressed opinions, that the leading men in this country—including the right hon. Member for Buckinghamshire—believed that that settlement was founded on injustice, and ought to be reversed. Popular opinion prevented them from carrying out their convictions into action. The portals of the House were opened as wide for the Catholic as for the Protestant, and yet popular bigotry in England, Scotland, and Wales excluded every Catholic from the House except his noble Friend the Member for Arundel. Throughout the counties of England many of the noblest and greatest families were Catholic, and no constituency would return one of them. They could, therefore, well appreciate the difficulties of the Government of Spain. Religious toleration could not be introduced there until the public opinion, which was so little accustomed to draw a line between the spiritual and the temporal, the domain of law and the domain of conscience was changed. He sincerely trusted that that change would soon come. He wished that the words of Lacordaire which he had quoted were written up on every church in Christendom, and had interpenetrated every Christian heart. He wished that those persons in Spain who held an opposite opinion would come over to Ireland and see there the working of totally different principles. He desired that they should see the strength and vigorous life of the Catholic church in Ireland. She had many difficulties and disadvantages and some disabilities; she had power and wealth working not for her, but against her. But although she had no privileges, she had liberty. There was the source of her vigour, and of that zeal and energy which made her victorious over all her assailants. The surest means for the

*Mr. Monsell*

triumph everywhere of the Catholic church was to trust as little as possible to privilege, which often palsied the institution it was intended to support, and in maintaining her own liberty to ask for liberty for all. He hoped that Spain would soon cease to be the one exception to all the other Catholic countries in Europe, and, he believed, of the world, in maintaining laws which were directly opposed to the first principles of religious liberty.

VISCOUNT PALMERSTON: Sir, I am very glad that I gave way to my right hon. Friend the Member for Limerick, because I think it must be most gratifying to the House, and I am sure it will be exceedingly useful to the world at large, that he should have had an opportunity of enunciating such enlightened and liberal principles as those to which he has just given expression. I am certain that those principles are the principles which would make any religion thrive whose disciples professed and acted upon them, because the exclusive and persecuting spirit which is too apt to prevail in different countries, founded on religious opinions, so far from propagating the creeds in defence of which it is exercised, only sets the minds of men against them. It is quite true, as he states, that there is naturally in the minds of men who are deeply impressed with the truth of the religion they profess, a tendency to compel other people to adopt their particular creed. We have seen it in all countries, in all religions; and that feeling is only dispelled by the progress of civilization, of enlightenment, and of intercommunication between the people of different countries and different creeds. We must make great allowances for the Spaniards. Their geographical position cuts them off in a great degree from intercommunication with the other countries of Europe. They are surrounded by the sea on three sides, and have a range of mountains on the fourth, and there is consequently less intercourse between Spaniards and the rest of Europe than between any other nation and the rest of Europe. In old times, the Spaniards, strongly attached to their religion, thought the best mode of maintaining it was by a severity of which history records many instances. With that view they established the Inquisition. But I cannot help believing that civilization and enlightenment are making progress in Spain, and that the Catholics of that country are coming round more and more to those sensible and liberal views which

my right hon. Friend has uttered this evening. At the same time, their laws remain; and although the Spanish Government are, I am persuaded, anxious upon all occasions that those laws should be administered with all the lenity and indulgence of which the prerogative of the Crown will admit, yet, in Spain, as in other countries, public opinion has its force, and the Government cannot run exactly counter to it. But in the present case, the Queen of Spain, in consequence of the representations made to her, not simply by the Governments, but by private and respectable individuals from almost every part of Europe, has exercised her prerogative of pardon, and remitted the sentence of those persons on condition only that they should remove to some other country, which I have no doubt they will be only too happy to do. Now, this Spanish law does not simply apply to those Spaniards who profess a different religion from the religion of the State, but is at variance with the treaties made by the Spanish Crown. By the treaties of the Spanish Crown, British subjects are entitled to the free exercise of their religion in private houses; but the law says they shall not exercise it. There are instances in which that law has been lately invoked by persons of more zeal than discretion, and the practice of Protestant worship by British subjects in private houses has been interfered with in some cases, in spite of the representations of Her Majesty's Government. Now, we contend, and I think rightly contend, that treaties cannot be overset and controlled by the laws of the country which has entered into them. The Crown of Spain is bound by its treaties, and the Legislature of that country must adapt its laws to those treaties; otherwise there is no international faith between country and country. Well, these questions are still pending. But the hon. and learned Gentleman (Sir George Bowyer) says it is the great merit of Spain that by her laws there can be only one religion. Does the hon. and learned Member think that any law can control and direct the opinions of men? You may pass a law that any man shall be punished who shall give outward signs that he entertains a religious creed different from that of the State, but you cannot by your law coerce his mind. Therefore, do not let the hon. and learned Gentleman imagine, that because there is a law in Spain which makes it penal for any man to be

otherwise than Catholic, therefore every man in Spain is really Catholic in heart and feeling. But I will say nothing more on that point. My hon. Friend (Mr. Grant Duff) has brought forward this question in a fair spirit; and I can assure him, that as far as Her Majesty's Government can properly suggest to the Government of Spain the more lenient treatment of cases of this kind, that shall be done with all due respect to the rights and the independence of Spain. But the hon. and learned Gentleman opposite, in his zeal for their cause, seemed to me to cut from under the Spanish Government almost the only ground on which they can rest their conduct. If these persons had been an increasing and powerful sect, who threatened by their action to make a dangerous inroad upon the established religion of the country, there might have been in a Catholic view, in a Spanish Catholic view, some excuse for the severe treatment of them. But the hon. and learned Member says they have no effect—they have no influence upon anybody—they are perfectly harmless; and yet they are to be punished for holding religious opinions which they have no power whatever of communicating to other people.

I now come to Father Curci. I am very sorry for him indeed. When I heard that the hon. and learned Gentleman had something to say about him, I imagined that he had some letter of denial from Father Curci. [Sir GEORGE BOWYER: I have.] Simply denying the fact, I said to myself, "Poor Father Curci! He is one of those who 'do good by stealth and blush to find it fame.'" However, the hon. and learned Gentleman has brought forward a great deal of other testimony. Well, it is testimony against testimony. The hon. and learned Member asks me whence I derived my information. I told him at the time that I had read a letter in a newspaper, professing to give that account. I told him that I could not answer for it; but I said that if he had any doubts about it, he might have an opportunity of ascertaining from Father Curci himself whether any such transaction had taken place. Why, Sir, I have a letter too. It is dated from Italy, and gives an account of this transaction. [Sir GEORGE BOWYER: From Turin?] I am not at liberty to give the name, but I will state the substance. [Sir GEORGE BOWYER: Is it from Turin?] The letter says—

"The Cardinal Riario Sforza ordered that on the first Sunday of every month there should be

an administration of the sacrament in the Church of Santo Spirito dei Napolitani. At the first exposition, or sermon, on the 3rd of this month, were present Francis II. and the Neapolitan emigration. The Father Curci, the Jesuit, made on that occasion a preaching in which, dividing the emigration into true and false, he fulminated the second and charged the first with pride and little faith in God, from whom alone can come the restoration of the Bourbonic Dynasty. The impetuosity and the little reverence of the preacher made a very bad impression upon those present, by whom the said preaching came like a public accusation of *spavelda impotenza* (which may be rendered braggart impotence). The emigration was greatly moved, and indignant against the Jesuits, by whom it held itself greatly offended."

Now, I am free to confess that this letter does not actually state that Father Curci reproached the emigration with sending brigands into Neapolitan territory; but I think it is quite clear that the statement is correct, that the sermon had a very strong political bearing, and reproached the emigration with the course it was then pursuing. With respect to whether the Neapolitan ex-King has really been sending brigands into the Neapolitan territory, that such is the fact nobody can doubt who has any knowledge of the subject. We know very well that there is a rendezvous at Rome where brigands are enlisted, and where they are sometimes passed in review. [Sir GEORGE BOWYER: Not brigands.] Well, people will differ as to names. Suppose we call them loyal subjects. But, by whatever name you designate them, certain it is that they go into Neapolitan territory, and there perform operations which make their fellow-subjects very little pleased with their presence. [Sir GEORGE BOWYER: No, no!] They take every possible liberty with everybody. They put people to death. They burn houses, and do all sorts of things. [Sir GEORGE BOWYER: No, no!] I believe that the French garrison are now taking steps to put a stop to these proceedings as far as they can. They have arrested several of the principal leaders of these "loyal subjects;" and I trust that the rendezvous which we understand was established at Marseilles for the purpose of collecting people for such errands will also be put an end to. Whether Father Curci reproaches the King of Naples or not, and whether the King of Naples is or is not moved by the advice given him, I am quite satisfied that the military power exercised at Rome by the French garrison will put a stop to these incursions from the Roman into the Neapolitan territories. I do not mean to say that there is not still in the mountainous and forest districts in

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Naples a population with those lawless habits of brigandage which were grafted into them by the Government of the Bourbons. No doubt "the evils that men do live after them," and those habits which were allowed to take root in former times cannot be at once eradicated. I believe, however, that they are now becoming controlled, and I trust in due time to see the territory of Naples restored to that state of order and tranquillity which I am sure everybody must desire should prevail.

SIR GEORGE BOWYER: Can the noble Lord tell us who is the writer of the letter which he read?

VISCOUNT PALMERSTON: The hon. and learned Gentleman may take it for what it is worth. I stated that it was a genuine letter.

SIR GEORGE BOWYER: Yes, we may take it for what an anonymous letter is worth.

#### COMMUNICATION WITH AUSTRALIA THE PANAMA, SUEZ, AND CAPE ROUTES. OBSERVATIONS.

SIR STAFFORD NORTHCOTE said, in rising to call the attention of the House to the proposals which have been made for the establishment of a route to Australia by way of Panama, he wished to refer briefly to the recommendations which have been made and the steps which have been taken for the establishment of routes by way of Suez and the Cape of Good Hope. Ten or twelve years since a Committee of that House investigated the question as to the best route to the East, and three routes were considered — that by Suez, that by the Cape of Good Hope, and that by Panama. The Peninsular and Oriental Company tendered for a service by way of Suez, to go once a month, upon the understanding that a route might be established by way of Panama also. Shortly after he had become connected with the Government of the Earl of Derby, a gentleman named Merryweather came over to this country from New South Wales in order to induce the Government to establish a route by way of Panama. He stated to Mr. Merryweather, who was anxious that the Treasury should put forward tenders on the subject, that difficulties seemed to him to lie in the way of the establishment of that route. He told him he was not sure whether all the Colonies would agree to bear their share of the expense in pursuing the route, or whether the service by way of Panama could be organized within

such a time as to begin with the service by way of Suez. It appeared that these and other points could not be ascertained unless tenders were called for, and it was therefore explained to Mr. Merryweather that the Government would consent to call for them on the understanding that it was merely to ascertain the facts of the case. Tenders were accordingly called for, but they were sent in, not to the Government of the Earl of Derby, but to their successors in office, and no steps were taken with respect to them for a considerable time. Since then he believed there had been several communications on the part of the Colonies with the Home Government, and the matter he understood was about to be brought to a close. He had moved for papers in connection with it, but they had not yet been produced, and he was therefore anxious to receive from the Government some explanation on one or two points. He did not, he might add, speak as the advocate or as the opponent of the Panama route, but he was at the same time anxious to know what were, generally speaking, the grounds on which the Government had come to a decision—if they had come to a decision—against it. It was quite evident that there were several points which it was desirable should be cleared up before such a route was established. He should like, for instance, to be informed whether the Government were of opinion that there ought to be a fortnightly service to Australia, or whether a monthly service was all that was required; and whether, if there was to be a fortnightly service, the Panama route would be made available for that purpose. He wished to know whether difficulties had arisen from the circumstances of the different Colonies. There were differences of interests as between Melbourne, Sydney, and New Zealand. No doubt, Melbourne was very well served by the present service, by way of Suez; Sydney was not so well, and New Zealand still less well served than Melbourne. It was the interest of New Zealand and Sydney that the additional service should be put on by way of Panama. Were the Colonies willing to pay one half of the service if the second service was put on by way of Suez, and were the Government prepared to say that the Colonies would not bear their half if that second service were put on by way of Panama? The complaint of New Zealand seemed very well deserving of consideration—that by the present arrangement they

were thrown out of the course of post and lost a month. The course of post to Melbourne was four months, to New Zealand it was five months. They had also a very short time at Sydney to answer their letters. The importance of the trade of these Colonies was very great to England. The exports of British and Irish produce to foreign countries fell off between 1860 and 1862 from £92,000,000 to £82,000,000, while the exports to British possessions only fell off from £43,000,000 to £42,000,000, and to the Australian Colonies the exports had increased during the same period from £9,000,000 to £11,000,000. To come still nearer, the exports to New Zealand and New South Wales had increased from under £3,000,000 in 1860, to £4,750,000 in 1862. The progress of trade must, of course, be materially improved by postal facilities, and therefore it was important that those facilities should be given, as far as possible, to these Colonies. He did not wish to express any view of his own in favour of the Panama route, but it was fit that the case should be stated in the House of Commons. The Colonies were rather anxious and sensitive on the subject, and it was desirable that they should know from the Government what was the nature of the objections to the Panama route—whether they were fundamental or could be got over by arrangements among the Colonies. He hoped the right hon. Gentleman the Secretary of the Treasury would be able to give them such a statement as would show that the Government had given fair consideration to the subject, and explain the grounds on which they had acted.

Mr. PEEL said, the question of establishing a second monthly communication with Australia by way of Panama had received the consideration of the Government on different occasions during the last few years, and they had recently had several communications on the subject with gentlemen representing the interests of New Zealand and New South Wales. Now, any one who recollected the difficulties which attended the first establishment of mail communication with Australia must be gratified at the certainty and regularity, on which entire dependence might be placed, with which the mail service with Australia was now conducted under the contract with the Peninsular and Oriental Company. The distance, however, was very great, and as a consequence the expense also was very considerable; and it was not surprising that the receipts

of this country from the postage on letters between Marseilles and Australia by no means covered the expense to which the country was put for the maintenance of that communication. He believed that last year their share of the receipts from postage did not amount to more than £33,000, while the sum they had to pay, giving credit for the contribution of one-half of the entire cost of the service which they received from the Colonies, was between £90,000 and £100,000, so that they lost not less than £70,000. No doubt, were they to double the existing frequency of communication with Australia, such a measure would be attended with great advantage, both politically and commercially, and it was quite possible that the objection which some might entertain in respect of the additional loss resulting to the country might be obviated, were a measure which was frequently recommended, and which, in his opinion, was perfectly reasonable in itself, adopted—namely, that of increasing the postage on letters to Australia. The present postage was only 6d. per half ounce. He thought it might very reasonably be increased to 1s. the half ounce. In that case the objection to a second monthly communication with Australia on account of the expense might be removed.

The question would then arise as to the route—would the route by Panama be preferable for the second line to the route by way of Suez? The late Government, as had been stated by the hon. Baronet, particularly when he was Secretary to the Treasury, had expressed itself favourable to Panama as a secondary line of communication with Australia. They called for tenders for the service by that route, and stated to the Colonies, that if they were willing to provide one half the expense of the service, and if the cost of that service was not immoderate, they would be disposed to regard the adoption of a line by Panama with favour. The New South Wales Government voted £50,000 for the establishment of the new route, but they had not altogether fulfilled the conditions laid down by the late Government, because the application made was that England should contribute one-half of the whole cost between Panama and Australia, and not make any claim on the Colonies in respect to the expenses incurred between this country and Panama. But the condition laid down was that the Colonies should contribute one half of the entire

cost, including the distance between this country and Panama; and this country dealt with them on that principle with respect to the monthly communication by way of Suez. He might add that the Government did not consider that the communications which passed between the late Government and the representatives of the Australian Colonies in any way amounted to engagements interfering with their own free and unfettered consideration of the question. Therefore they had looked at the question, whether the route by Panama was preferable to that of Suez. There was no port in Australia nearer to this country by way of Panama than by way of Suez. Even the port of Sydney was nearer in point of distance to this country by Suez than by way of Panama, and if they took Melbourne as the centre of Australia—one half of the correspondence being due to the colony of Victoria—taking Melbourne as the centre, the route by Suez was shorter than that of Panama, to no less extent than 3,000 miles. They ought also to remember, that at present they were able to communicate with Melbourne in forty-five days from this country, whereas, they could not expect to communicate with Melbourne if they adopted the Panama route in less than fifty-five days. Then, at both ends of the Suez route they had the means of anticipating the intelligence by telegraph. It was quite possible, if they had communication with Australia once every fortnight, alternately by way of Suez and by way of Panama—the intelligence by Panama would be anticipated by means of the telegraph and the packet which should leave Australia a fortnight later. The Suez route also had the advantage of communicating with India and Ceylon.

The next consideration was as to expense. New South Wales and New Zealand had voted £80,000 a year as a contribution of one-half of the expense of a mail between Panama and Australia. When tenders were called for by the late Government, it was found that the amounts varied from £160,000 to £220,000, and he had no reason to suppose that the service could be performed for less. The Government did not consider that they would be justified in adding to the present expenditure so much as would be represented by one-half of the cost of an additional contract. He might state, that within the last few days the Peninsular

and Oriental Company had made what he considered was a very moderate and reasonable offer. That company offered to double the communication between Ceylon and Australia for an additional sum of £50,000 a year. The present payment was £134,000 a year for a monthly communication between Ceylon and Australia, and for a fortnightly communication £50,000 additional was asked. That was an offer deserving of consideration by the Government, and which would justify them in addressing communications to the Australian Colonies upon the subject.

MR. CHILDERS said, he thought the case had been very fairly stated by both the hon. Gentlemen. The announcement of the offer of the Peninsular and Oriental Company just made was important, and he hoped the Government would fully consider it before coming to any determination; but he wished specially to call the attention of the Secretary of the Treasury to one point. The right hon. Gentleman implied that the Government had it under consideration to double the rate of postage upon letters between Australia and this country. He would urge upon the Government not to be hasty in adopting such a measure. There was a great difference in the character of the correspondence passing between this country and Australia and that with any foreign country. In most cases of postal communication with foreign countries an increase in the rate of postage an increase of revenue might be looked for, because the correspondence generally was upon matters of business that must be continued. But a very large proportion of the letters passing between Australia and this country were written by persons to whom the difference between 6d. and 1s. was a serious matter. If the rate of postage were doubled, not only would the revenue not be materially if at all increased, but it would be objected to by the Colonies as a breach of faith. When the Colonies came into the arrangement by which they agreed to contribute one-half the postal expenses, they had been called upon by the Government to fix the postage at the present rates. Three years ago the Government attempted to alter the rate of postage upon newspapers, and the result was such an outcry in the Colonies that they preferred to increase their contribution than to have the original contract disturbed. He thought it would be better to ask the Colonies to pay something more in money rather than to pursue a course which might

have the effect of putting an end to the agreement between the Colonies and this country.

MR. BENTINCK said, that many discussions of late had convinced him that it was utterly hopeless to obtain a reduction of any estimate. Still he wished to make a few remarks upon the subject of the Post Office Packet Service. He considered the Estimates to be perfectly monstrous, and he could not but think it somewhat singular and unfortunate that an estimate of so large an amount and of so comprehensive a nature should have been postponed to the last moments of the Session. The total amount of the Estimate was £956,800, and its object was to facilitate the transmission of letters between this country and various parts of the world. He should confine his observations to that part of the Estimate which applied to the transmission of letters between this and foreign countries. He wished to know for the benefit of what class of persons was that enormous sum asked. [MR. AYRTON: For the benefit of all classes.] No; it was one of the most exclusive, and therefore one of the most unjust Votes, ever proposed to the House. It was true that it was for the benefit of all classes that indulged in the luxury of writing letters to the Colonies. But the Vote was practically for the purpose of saving the pockets of the great mercantile community of the country. It was neither more nor less than a subsidy taken from the public purse to save the money of the merchants, and he would defy the hon. Member (Mr. Ayrton) to prove that the public at large had any interest directly or indirectly in the question. It was a gross injustice to the man whose position in life was such that a reduction of the additional duty on tea and sugar was a question almost between comfort and discomfort. Did such a man derive any benefit from this postal communication? With what justice, at a time of great public distress, could that House be asked to vote a million of money merely for the convenience of those who were in a state of positive affluence. He said that the whole proposal was most monstrous. It was a matter of neither necessity nor justice. It was a practical anomaly as coming from the present Government, because they were for free trade in everything. Why not, then, free trade in letters? Why should correspondence be protected when nothing else was. He entered the most strenuous protest in his power against what he conceived to be a

gross act of injustice to the great bulk of the community.

MR. W. WILLIAMS said, he quite agreed with the hon. Member for Norfolk (Mr. Bentinck), that it was a most unjust thing to make the people at large sustain the postage service in the Colonies. The cost at that time exceeded by £400,000 the money received for postage, and that result was for the convenience of the merchants of this country. He hoped the Government would take the question into their serious consideration, and endeavour to reduce the Estimate.

MR. AYRTON said, the hon. Member for West Norfolk had made a statement without foundation, but it would be difficult to convince him that the country lost nothing by this service. He should say that the class most benefited was that which he represented—the agricultural. That was a class which grew rich to a greater extent than any other, without taking any measures to do so, by the extension of commerce, and this service was a part of that extension.

MR. HENLEY said, he doubted very much whether the step indicated by the Secretary of the Treasury, of doubling the rates of postage, would be successful. Past experience was certainly against it. Merchants, perhaps, cared but little for additional postage; but to the humbler classes it was a matter of moment, and they would not write half as many letters probably, if the rate of postage were raised. He hoped that the scheme would not be adopted without great consideration. As to the larger question of postal subsidies, it was possible that since the great development of steam communication, it was no longer necessary to pay such large subsidies as in its infancy.

MR. COX said, he wished to express a hope, that as he had postponed his question on the subject of infanticide to meet the convenience of the Government, they would give him an opportunity of bringing it forward some day next week.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

*SUPPLY considered in Committee.*

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £700,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge of the Post Office Packet Service, which will come in course of payment during the year ending on the 31st day of

*Mr. Bentinck*

March 1864, which sum includes provision for payments to Mr. Joseph George Churchward, for the conveyance of Mails between Dover and Calais and Dover and Ostend, from the 1st day of April 1863, to the 20th of June 1863, but no part of which sum is to be applicable or applied in or towards making any payment in respect of the period subsequent to the 20th day of June 1863, to the said Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract, bearing date the 28th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863.

SIR STAFFORD NORTHCOTE said, he rose to ask if the Government would afford some further explanation in reference to the arrangements for the conveyance of the mails between Dover and Calais and Dover and Ostend. He believed that between Dover and Ostend the mails were carried by the Belgian Government—a very peculiar arrangement certainly. He wished to know whether there was anything more than the correspondence, and what had been done to insure the punctual performance of the service? He did not understand the position of the Government and country with regard to the other service between Dover and Calais. Some time ago they were told that Mr. Churchward's contract was to come to an end on the 20th of June, and he should like to know how the service had been carried on from that date. He understood that a contract had been given to one, if not two railway companies, but the whole arrangement was kept at present a secret from the House. The question of those contracts was mixed up with legal difficulties. He did not know what steps Mr. Churchward was going to take to enforce what he considered to be his rights; but he believed it was the gentleman's intention to adopt some proceedings to test the legality of the course pursued by the Government; and under these circumstances he thought the Committee ought to have some explanation on the subject of those contracts.

MR. PEEL said, that when the question was under discussion on a former occasion, he stated that the Government had received an offer from Mr. Harrington for the conveyance of the mails between Dover and Calais for a sum of £5,000 a year. Pending the decision of the House with respect to the Resolution submitted to them on the

occasion to which he referred, no permanent arrangement could have been come to, and the interval between the time at which the Resolution was passed and that at which Mr. Churchward's contract expired, was too short to enable Mr. Harrington to make preparations for commencing a contract. He therefore proposed to commence the new service on the 1st of January next, and he was willing to perform a temporary service between the 20th of June and the 18th of January for a sum of £11,000. That, however, appeared to the Government to be a larger sum than they would be justified in paying, and they applied to the railway companies, who undertook to perform the service from the 20th of June for a subsidy of £6,000 a year. That appeared to the Government to be a more advantageous arrangement than the one proposed by Mr. Harrington, taking into account the sum demanded by him for the temporary service. The railway company had been performing the contract since the 20th of June; and he understood that four vessels which they were using were four which Mr. Churchward had used in the performance of his contract. It was intended to embody the agreement with the two companies in a contract, and the condition in the advertisement of the Government was that no contract should be binding until it was laid on the table of the House and approved of, or had been on the table for a month without being disapproved of. He hoped the contract would be signed in sufficient time to be laid on the table of the House before the end of the Session, and he would invite the House, if necessary, to pass a Resolution respecting it. With regard to the service from Dover to Ostend, the Belgian Government had for some years been performing half of the night service—that was, performing it three nights in the week. Her Majesty's Government having advertised for the performance of our division of that service, the Belgian Government offered to perform it for a sum of £4,000 a year. That offer had been accepted, and the performance of the contract would be provided for by a postal convention. As it had been estimated that out of the subsidy paid to Mr. Churchward about £10,000 was for the Dover and Ostend service, the Committee would see that the new arrangement was an advantageous one. He apprehended that the arrangement would not be limited in point of time, but would be terminable at a year's notice.

SIR STAFFORD NORTHCOTE said,

he must protest against the extraordinary arrangement connected with the Dover and Calais contract, an arrangement by which the Government were utterly evading a Resolution passed two years ago. That Resolution was intended to provide that for the future the House should be put in possession of all the circumstances connected with any partial contract before it was finally adopted. The Resolution was to the effect that the contract should not be binding until it had been laid on the table of the House, and had remained on the table of the House for one month without challenge, unless it was specially affirmed by a Vote of the House. They were now asked to Vote the money for a contract which they knew nothing about; and the Resolution for approving that contract would be submitted when the House would be occupied almost exclusively by Votes of the Government.

MR. THOMSON HANKEY said, he objected to the £4,000 for the Dover and Ostend service as an unnecessary expenditure. The mails from Dover to Ostend started at the same hour as those from Dover to Calais. Both met at Ghent in the morning, and went on together in the same train from Ghent to Brussels.

MR. CERRY said, he objected to the arrangement on a different ground from that put forward by the hon. Gentleman. He objected to it on the ground that foreign vessels ought not to be engaged to carry on the postal communications between this country and a foreign country. The next thing the House would hear of was that the postal contract was taken away from the Cunard line and given to a New York company, because they would take it at £1,000 less.

THE CHANCELLOR OF THE EXCHEQUER said, that the outburst of indignation which had come from the right hon. Gentleman (Mr. Cerry) contained a very fine sentiment for a civilized man. But there were civilized men out of England, and what if they objected to the conveyance of their letters by English ships? If the principle laid down by the hon. Gentleman were acted upon, every country would maintain a separate set of mail packets for carrying its letters from every port. But, in point of fact, the service had already been performed for us by the Belgian Government during three nights a week for several years, so that the objection of the hon. Gentleman was not only bad, but late. His hon. Friend (Sir S.



Northcote) complained that he did not know what was to be the relation of the two railway companies who were to perform the contract between Dover and Calais. As to that contract they would be partners, and would be jointly and severally liable for its execution. The sum they were to receive was £6,000 a year, together with an extra remuneration for the extra performance which was stipulated to be done by them. The services were the same as had been already described in printed papers laid on the table. His hon. Friend complained of the Government for endeavouring to nullify the Resolutions of the Committee on the Packet Service. That would be a very blamable attempt if it had been really made, but the object of the Government really was to give the fullest effect to those Resolutions. In certain cases, however, the Resolutions would require the adoption of an intermediate arrangement, which without them might not be necessary. The condition that the contracts should lie on the table of the House before receiving full validity would occasionally interpose a certain time between the expiration of the old contract and the full validity of the new one, and then a provisional arrangement would become necessary. The Government were taking money with the view of bringing the contracts as soon as possible under the notice of the House, and also with the view of providing for the services in the mean time until the subject could be brought under notice. But the preparation of the necessary legal instruments and their execution by the necessary parties required considerable time. He was sorry, that though so far as the Government were concerned, they had done their utmost to expedite the matter, it had not been in their power to lay the contracts on the table before. But the only course they could take was to ask for a Vote for the performance of the service, reserving the question as to the final judgment of the House, and therefore as to the validity of the contract. With regard to cases in which before the expiration of the Session the contracts might be laid on the table, though the requisite month could not elapse, *primâ facie* the duty of the Government would be to ask for a Vote of the House in approval of the contract, because there would be some hardship to the parties in keeping them for a length of time subject to a merely provisional arrangement. Accordingly, as his right hon. Friend had stated, a Vote would

*The Chancellor of the Exchequer*

be asked for with respect to such contracts as could be produced before the close of the Session. His hon. Friend thought it unfair on the part of the Government to ask for a ratification as far as the Dover contract was concerned. But he thought, that after a formal decision of the House in 1860, and two decisions in 1863, the question had been finally settled. If the question were to be contested, the Government would be placed in some difficulty to decide between the convenience of the House on the one side in taking a division at so late a period of the Session, and what was due to the parties on the other. On Monday they would probably be able to take a complete review of the subject and decide what course to adopt.

SIR STAFFORD NORTHCOTE said, he would admit that there might frequently be a necessity for provisional arrangements under the circumstances alluded to by his right hon. Friend, and he should have no objection to the passing of this Vote for a merely provisional arrangement. But there was a disputed question. In spite of the unfavourable vote of the House, Mr. Churchward did not admit that he had lost his rights against the Government. It was understood that he proposed to take legal proceedings, and supposing that he did so in the course of the recess, and a verdict was given in his favour, the House would have confirmed a contract in July, while in the January or February following they would find that another contract would be enforced against them. If they allowed the arrangement to rest as a provisional one, the difficulty would be very much less. It was true there had been two decisions of the House during the Session, but it was quite possible that the question might be opened again, especially if evidence should be taken before a Court of Law, which would alter the question. He therefore contended it was only fair to Mr. Churchward that nothing should be done unnecessarily to prejudice his rights.

SIR JOHN HAY said, he was anxious to protest against the cosmopolitan sentiments to which the Chancellor of the Exchequer had given utterance. He had always understood that one of the principal reasons why contracts were entered into by this country was to encourage a kind of steam vessels which would be available for service in time of war and be a nursery for our seamen. Last century the same sentiments were uttered by another famous Minister, when the Hessians and the Dutch were

required to defend this country by land, as Belgians might yet be called upon to do by sea. He, for one, should protest against the money of the taxpayers of this country being spent in the encouragement of a foreign navy.

THE SOLICITOR GENERAL said, whatever reasons ought to operate with the Government, he sincerely hoped they would not be such as had been suggested by the hon. Baronet the Member for Stamford. The House had upon three occasions deliberately expressed its opinion upon the subject of Mr. Churchward's contract, and it was the bounden duty of the Government to assume that that decision would be carried into effect by the House. He protested against the supposition that it was to be treated as an open question. Any person could bring any action at law that he pleased, but he hoped the Government would not go one inch out of its way in consequence of the terrors of such an action. He, for one, was not afraid of the result of such an action, whatever might be the conclusion which might be arrived at by hon. Gentlemen opposite.

MR. CORRY said, the right hon. Gentleman (the Chancellor of the Exchequer) seemed to treat the question of the conveyance of mails across the sea as an open question, but he should protest against such a conclusion. As an illustration of the inconvenience of such a course, he would refer to a question put that evening by the hon. Member for Poole, "whether it was true that a bag containing the despatches from the Admiralty to the Admiral on the station at Vancouver's Island had been abstracted from on board the United States steamer in its passage from Panama; and whether, in the absence of safe postal communication, the Admiral was not under the necessity of employing a Government war steamer to carry the despatches to Panama?" If every foreign country were to carry the mails for £5,000 or £10,000 less than English contractors, they were likely to be put to every kind of inconvenience at a future time. If that principle were adopted, they would have their mails carried not by contract but by men-of-war of fifty guns, or carried to Vancouver's Island, as on the occasion of the *Trent* affair, round by Cape Horn.

MR. AYRTON said, he should move to reduce the Vote by £3,110 for conveyance of mails from Dover to Ostend, and he intended to divide the Committee upon it. There was lately laid upon the table a

correspondence which informed them that this sum was to be paid to the Belgian Government. That was a grand stroke of economy, that we could get our mails carried cheaper by subsidizing Belgium. But he denied the justice of the comparison, because the Belgian Government had not entered into a contract as an English contractor would—it was not subject to penalties, nor was it to submit itself to the jurisdiction of the courts of law of this country. But even if there were the greatest economy in the matter, England ought not to recognise the principle of subsidizing foreign Governments to carry our mails. It was fair to arrange with the Government of France for an alternate mail, but then we yielded to the pretensions of a great and powerful State; but weak States often took advantage of their weakness to obtain concessions which a more powerful State would not require. On principle we ought to insist on having the mails carried by our own subjects. If there were a great saving in the matter, it might be pleaded as an excuse; but the saving was very small, and the principle ought not to be sacrificed to it. When they recollected that they had been squandering money in every way under the auspices of the Government during the Session, that attempt at economy was ridiculous. It was injurious to our commercial marine, and he intended to record his vote against it, even though he should go into the lobby almost alone. He begged to move to reduce the Vote by £3,110 for the conveyance of the mails from Dover to Ostend for a certain specified time.

MR. W. WILLIAMS said, he rose to move a reduction of £400,000 in the Vote. [*Laughter.*] The Post Office revenue was only £400,000, whilst the amount of the Vote was nearly £800,000. He therefore proposed a reduction equal in amount to the excess of the subsidy over the receipts produced from the conveyance of letters. It was most unjust that this country should be called upon to pay such an enormous sum for the benefit of the mercantile part of the community.

THE CHAIRMAN said, the hon. Gentleman must point out the particular items in the Vote which he challenged. The particular subject under discussion was the conveyance of mails between Dover and Ostend.

MR. PEEL said, he could not understand why there should be any objection in principle to a postal convention with

the Belgian Government, which had for some months been carrying the night mails for three nights in the week. The saving would be from a sum of £10,000 a year to £4,000. This was a gain which he thought was not to be overlooked. With respect to the mercantile marine, he wished to observe that it had been the effort of the Government to send all the German mails by Calais, with this special object in view; but the arrangements of foreign Governments had made the discontinuance of this practice necessary.

MR. LYGON said, he wished to know on what terms the Ostend service was to be carried on. He submitted that the House had not had an opportunity of expressing its opinion respecting Mr. Churchward's contract, and a large demand was made on the credulity of the House when it was asserted that such decision had been three times given. The Government had not afforded the House any opportunity of pronouncing an opinion on the subject.

THE SOLICITOR GENERAL contended that Mr. Churchward's contract had been three times decided on, both in substance and in form. In substance, they all knew, it had been decided on; and in form it was pronounced on when Captain L. Vernon proposed that the contract should be fulfilled. The House negatived that proposition by a large majority, and this year the Government proposed that a certain sum should be voted, but that no part of that sum should be applied to the payment of Mr. Churchward's contracts after a certain day. An hon. Member then moved the House to omit those words relating to Mr. Churchward's contract; and if anything could raise the question as to the contract, it must be obvious to any person of common sense that that did. The House decided that no part of the money should be applied to the performance of Mr. Churchward's contract, and repented the Vote twice.

SIR JOHN HAY said, he wished to ask whether the recommendations held out by the hon. and learned Gentleman to the Government to take legal proceedings were inspired by their success in the case of the *Alexandra*?

MR. AYRTON said, that the question raised by his Amendment had nothing to do with Mr. Churchward.

MR. THOMSON HANKEY said, he had no intention whatever of supporting the Amendment. His inquiry went to a very different point.

Mr. Peel

Whereupon Motion made, and Question put,

"That the item of £3,110, for conveyance of Mails between Dover and Ostend, be omitted from the proposed Vote."—(Mr. Ayrton.)

The Committee divided:—Ayes 26; Noes 75: Majority 49.

Original Question again proposed.

AYES.

Barttelot, Col.	Hennessy, J. P.
Bentinck, G. C.	Heygate, W. U.
Berkeley, Hon. C. P. F.	Lever, J. O.
Bridges, Sir B. W.	Lygon, Hon. F.
Bruce, Sir H. H.	Mure, D.
Clifton, Sir R. J.	Northcote, Sir S. H.
Collins, T.	Paull, H.
Cox, W.	Powell, F. S.
Dillwyn, L. L.	Powys-Lybbe, P. L.
Dunne, Col.	Smollett, P. B.
Fane, Col. J. W.	Taylor, Col.
Gard, R. S.	
Gore, J. R. O.	
Grenfell, H. R.	
Hay, Sir J. C. D.	

TELLERS.

Mr. Corry  
Mr. Ayrton

MR. HENNESSY said, he thought the Chairman should report Progress. The effect of these late sittings on hon. Members was shown in the hon. Member for London going into the wrong lobby at four o'clock on the previous morning, and by the hon. Member for Lambeth, the leader of the economists, falling into a similar mistake—he could not suppose it intentional—on the present occasion.

MR. W. WILLIAMS said, he voted as he did because the result of voting on the opposite side would have been to increase the burdens of the public.

MR. HEYGATE condemned the Vote because the new service was useless and unnecessary, because the contract was handed over exclusively to foreigners, and because the Government had not dealt fairly towards the House in delaying the question so long. It was not till the 19th of May that this Vote was brought forward, though the Government must have considered the question long before that time. He should move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress."—(Mr. Heygate.)

VISCOUNT PALMERSTON said, he would appeal to the hon. Member not to press his Motion. The only effect of it would be to prolong the Session.

COLONEL DUNNE observed, that the Government had set a bad example on the previous morning in counting out a valuable Bill. Such stratagems might be allowable

in an Opposition, but not in the Government.

MR. COLLINS said, he thought it would be well to have the Session prolonged a little, in order that the measure referred to might be passed.

MR. HEYGATE said, that if the Government would assure the Committee that nothing that was done to-night should commit the House to the contract he would withdraw his Motion.

THE CHANCELLOR OF THE EXCHEQUER said, the Vote would not in the least degree bind the House to adopt the contract. All that was asked was a temporary provision for the service.

SIR STAFFORD NORTHCOTE apprehended that the contract could not be dealt with so effectually if they did not take it up at the time of Supply.

MR. SMOLLETT asked whether the subvention, which was in the case of the Ostend Service to take the place of a contract, would be laid on the table for the sanction of the House.

MR. LYGON said, he objected to any attempt to entrap the Committee when there was only a thin attendance, and at a late hour, into the acceptance of an objectionable measure.

MR. HEYGATE said, he was willing to withdraw the Motion on the understanding that the passing of the Vote would not commit the House to approval of the contract.

THE CHANCELLOR OF THE EXCHEQUER assented.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

House *resumed*.

Resolution to be reported on *Monday next*.

WAYS AND MEANS.—COMMITTEE.

*Considered in Committee.*

(In the Committee.)

On Motion of Mr. CHANCELLOR of the EXCHEQUER,

(1.) *Resolved*,

That, towards making good the Supply granted to Her Majesty, there be issued and applied to the Service of the year 1863, the sum of £467,467 *8s. 7d.*, being the surplus of Ways and Means granted for the Service of preceding years.

(2.) *Resolved*,

That, towards making good the Supply granted to Her Majesty, the sum of £9,890,614 *16s. 5d.* be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

House *resumed*.

Resolutions to be reported on *Monday next*.

EXPIRING LAWS CONTINUANCE BILL.

[BILL 238.] COMMITTEE.

Bill *considered in Committee.*

(In the Committee.)

Schedule.

MR. HENNESSY said, he wished to point out that by a Resolution passed last Session the Irish Poor Law Act, one of the measures included in this Bill, was to expire in 1864, and he should contend that it should not be continued without discussion.

SIR ROBERT PEEL said, that if the Act were not continued, the Commission would come to an end at once.

COLONEL DUNNE said, he would move the omission of the Irish Poor Law Act from the Schedule.

MR. BUTT said, it was a wise precaution to include the Act, because there was the possibility of a dissolution early next Session, which might interfere with the renewal of the powers of the Poor Law Commissioners before they expired.

MR. MAGUIRE remarked that there was no occasion for including it in the Bill, inasmuch as the Act would not expire until next year.

Amendment proposed, to leave out the words "10 and 11 Vict., c. 90 (Poor Laws) (Ireland)." — (*Colonel Dunne*).

Question put, "That those words stand part of the Schedule."

The Committee *divided*: — Ayes 34; Noes 7: Majority 27.

House *resumed*.

Bill *reported*, without Amendment; to be read 3<sup>d</sup> on *Monday next*.

House adjourned at a quarter before Two o'clock, till *Monday next*.

HOUSE OF LORDS,

*Monday, July 20, 1863.*

MINUTES.] — PUBLIC BILLS — *First Reading* — Union Relief Aid Acts (Continuance\* (No. 231); Companies Clauses\* (No. 232); Turnpike Trusts Arrangements\* (No. 233); Exhibition Medals\* (No. 234).

*Second Reading*—Navy Prize Agents (No. 210); Fortifications (Provision for Expenses)\* (No. 225); Nuisances Removal Act (1855) Amendment\* (No. 226); Public Works and Fisheries Acts Amendment\* (No. 201).

*Committee*—Fisheries (Ireland) (Nos. 211 & 229); Harwich Harbour\* (No. 174); Howth Harbour\* (No. 180); Vaccination (Scotland)\* (Nos. 193 & 230); India Stock\* (No. 223); Sydney Branch Mint\* (No. 217).

*Report*—Harwich Harbour\*; Howth Harbour\*; Pier and Harbour Orders Confirmation\* (No. 220); Misappropriation by Servants\* (No. 227).

*Third Reading*—Drainage and Improvement of Lands (Ireland)\* (No. 198); Prisons (Ireland)\* (No. 195); Alterations in Judges Circuits [H.L.]\* (No. 212); Greenwich Hospital (Provision for Widows)\* (No. 207); Metropolitan Main Drainage Extension\* (No. 208); Savings Banks Acts Amendment\* (No. 221); Clergymen (Colonies) [H.L.]\* (No. 228); Port Erin Harbour (Isle of Man)\* (No. 160); and severally *passed*.

#### NAVY PRIZE AGENTS BILL—(No. 210.)

##### SECOND READING.

LORD CHELMSFORD *moved* the second reading of the Bill, the object of which he explained to be to enable the captains of ships of war to appoint prize agents for the sale of prizes, for facilitating the distribution of the sums realized, and for providing for the appointment and remuneration of the agents. From 1814 to 1854 all prize matters were managed by agents appointed by the captains of the ships, and they were intrusted with the duty of selling prizes and distributing the proceeds. No complaint was ever made of the manner in which these persons had discharged their office, but in 1854 a Bill was proposed by the Admiralty by which that power was taken away from these persons, and intrusted to the Admiralty. Great objection had arisen from time to time against the operation of this measure, and the present Bill had been introduced in the other House to restore something like the former state of things as it existed from 1814 to 1854. The Bill provided for the appointment by the Admiralty of standing prize agents, with power of removal in case of dissatisfaction, the remuneration to be at the rate of 2½ per cent on the value of the prize. To the first part of the Bill he understood the Admiralty had no objection; but they did object to the latter portions of the measure, which portions, however, could be modified in Committee.

THE DUKE OF SOMERSET said, he had no objection to the principle of the Bill, which was the appointment of a standing navy prize agent; but some of the de-

tails of the measure would require to be amended in Committee.

Motion agreed to: Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

#### DEFENCE OF CANADA.

##### QUESTION.

LORD LYVEDEN said, that in the absence of the noble Duke the Secretary for the Colonies, he would ask his noble Friend the President of the Council the Question of which he had given notice, relative to the formation of a Militia in Canada. He would remind the House that last year the Canadian Legislature rejected the Militia Bill proposed by the Colonial Ministry. After the prorogation of Parliament last year the noble Duke the Secretary for the Colonies wrote an excellent despatch to Lord Monck, the Governor General, stating that it would be useless for England to attempt to defend Canada in the event of attack, unless the Canadians were prepared to defend themselves. Lord Monck replied in a despatch equally satisfactory, but enclosing a report from his new Ministry, in which they spoke of their political liberties being infringed by the formation of a three years' militia, but saying nothing about what they were prepared to do themselves. Lord Monck at the same time forwarded a proposal of his own for raising 50,000 militia at a small expense. He (Lord Lyveden) was satisfied that the people of Canada were thoroughly loyal, but at the same time it was their duty to make provision for their own defence, and not rely upon the mother country in case of war for protection. The noble Lord concluded by asking the Lord President of the Council, Whether any and what steps have been taken to raise a Militia in Canada since the date of the last Despatch of the Secretary of State for the Colonies to Viscount Monck, dated the 30th of December 1862?

EARL GRANVILLE said, it was perfectly impossible for the mother country to give any real assistance in the way of colonial defence, unless she was cordially supported by the colonists themselves. He was sorry that he could not give a satisfactory answer to the Question of his noble Friend. The Bill in reference to the militia, which passed the Canadian Parliament in the last Session, was entirely unsatisfactory; but the feeling of the colonists was happily very much in advance of that of the Government of Canada. This was

shown by the fact, that whereas the Bill only authorized the raising of 10,000 militia, 25,000 volunteers offered themselves and were accepted, and were now in a state of great efficiency. Indeed, 25,000 more volunteers tendered their services; but their offers were declined by the Colonial Government from what he considered was a false economy. The Colonial Ministry was recently in course of re-organization, and the Parliament would meet in about three weeks. It remained to be seen what measures the Government would propose, and the Parliament would adopt, in reference to this subject.

FISHERIES (IRELAND) BILL.  
(No. 211.) COMMITTEE.

Order of the Day for the House to be put into a Committee on this Bill read.

LORD CHELMSFORD presented Petitions from certain parties, complaining that the Bill would seriously interfere with their rights, and praying to be heard by counsel at the Bar of the House. If any precedent were required for a course which was evidently required by justice, he would beg to point out to their Lordships a case which occurred in 1850, when Lord Brougham presented a Petition against the Australian Colonies Government Bill, and praying to be heard by counsel at the Bar. On that occasion, the then Secretary of State for the Colonies acceded to the prayer. He contended that the present case was of a similar character, and that as private property was being dealt with in a summary manner by the measure, the Petitioners were entitled to be heard.

*Moved*, That M. A. Little and A. Clarke (whose Petition was presented this Day), and R. W. C. Reeves (whose Petition was presented on Thursday last), severally praying to be heard by Counsel against the Bill, be heard as prayed.

LORD STANLEY OF ALDERLEY hoped the House would proceed with the consideration of the Bill in Committee without further delay. When the Bill was before the other House, the Irish Members, some of whom were deeply interested in the measure, and whose connections would be widely affected by it, made no such proposal as that of the noble and learned Lord.

THE EARL OF MALMESBURY also presented a Petition from certain persons, who alleged that their rights would be se-

riously affected by this Bill, praying to be heard by counsel at the Bar.

THE MARQUESS OF CLANRICARDE resisted the Motion. The Bill, he said, partook rather of the nature of a Game Bill than of one affecting property in the generally accepted sense. The Petitioners would not, he added, have any salmon at all if the salmon fry were not protected by others.

THE DUKE OF ARGYLL remarked that no application had been made to be heard by counsel in the case of the Scotch and English Salmon Fisheries Bills, although those measure affected the property of many private individuals.

LORD REDESDALE said, that the Bill was entirely different from one simply relating to game. He thought the practice of the House was in favour of granting the prayer of the Petitioners.

VISCOUNT LIFFORD said, it appeared to him to be somewhat unjust to hear the present Petitioners by counsel, and not those persons who had been deprived of their rights by the Act of 1842.

THE EARL OF WICKLOW thought it only just that the Petitioners should be heard.

On Question? their Lordships divided:—Contents 19; Not Contents 66: Majority 47.

*Resolved in the Negative.*

CONTENTS.

Westbury, L. ( <i>L. Chancellor.</i> )	Falmouth, V. Melville, V.
Bath, M. Exeter, M. Normanby, M. Salisbury, M.	Chichester, Bp.  Chelmsford, L. [ <i>Teller.</i> ] Congleton, L. Denman, L. Redesdale, L. [ <i>Teller.</i> ] Sheffield, L. ( <i>E. Sheffield.</i> ) Wensleydale, L.
Derby, E. Hardwicke, E. Lonsdale, E. Malmesbury, E. Wicklow, E.	

NOT-CONTENTS.

York, Archbp.	De Grey, E. Desart, E. Devon, E. Ducie, E. Effingham, E. Fortescue, E. Granville, E. Lucan, E. Orkney, E. Romney, E. Russell, E. Saint Germans, E. Wilton, E.
Cleveland, D. Saint Albans, D. Somerset, D. Sutherland, D.	
Ailesbury, M.	De Vespi, V.
Abingdon, E. Airlie, E. Amherst, E. Beauchamp, E. Cawdor, E. Cottenham, E.	

Hawarden, V.	Methuen, L.
Hutchinson, V. ( <i>E. Donoughmore.</i> )	Minster, L. ( <i>M. Conyngham.</i> )
Lifford, V.	Mont Eagle, L. ( <i>M. Sligo.</i> )
Stratford de Redcliffe, V.	Mostyn, L.
Sydney, V.	Overstone, L.
Boyle, L. ( <i>E. Cork and Orrery.</i> )	Ponsonby, L. ( <i>E. Bessborough.</i> ) [ <i>Teller.</i> ]
Camoy's, L.	Ravensthorpe, L.
Churchill, L.	Seymour, L.
Clandeboyne, L. ( <i>L. Dufferin and Claneboyne.</i> )	Silchester, L. ( <i>E. Longford.</i> )
Clarina, L.	Somerhill, L. ( <i>M. Clancricarde.</i> )
Cloncurry, L.	Sondes, L.
Crewe, L.	Stanley of Alderley, L.
Ebury, L.	Sundridge, L. ( <i>D. Argyll.</i> )
Egerton, L.	Talbot de Malahide, L.
Foley, L. [ <i>Teller.</i> ]	Taunton, L.
Gardner, L.	Templemore, L.
Harris, L.	Tyrone, L. ( <i>M. Waterford.</i> )
Hatherton, L.	Wodehouse, L.
Lismore, L. ( <i>V. Lismore.</i> )	Wynford, L.
Llanover, L.	
Lyveden, L.	

House put into Committee.

Clauses 1 and 2 agreed to.

Clause 3 (Prohibition of Bag Nets in certain Places).

LORD CHELMSFORD said, that when the Government took up this Bill in the House of Commons, Sir Robert Peel stated it to be their deliberate judgment that vested interests and existing rights in stake nets, bag nets, and other fixed engines legally erected, should be respected; but they were unable to carry the measure in the shape in which they framed it. What he proposed to do, was to move the omission of the first paragraph in the clause, and the insertion of certain words in its stead, which would serve to restore the clause to the shape in which it was originally drawn; and he thought he could claim the concurrence of the Government in this Amendment.

Amendment moved, To leave out ("or in any other Waters, except in the open Sea") for the purpose of inserting certain other words.

LORD STANLEY of ALDERLEY said, he would accept the Amendment.

THE EARL of DONOUGHMORE objected to the Amendment, and said he would divide the House.

On Question, Whether the words proposed to be left out shall stand part of the Clause? their Lordships divided:—Contents 38; Not Contents 42: Majority 4.

Then the words "or within a distance of less than three statute miles from the mouth of any river or estuary, as such river

or estuary has been defined by the Commissioners of Fisheries, or shall be defined by the Commissioners under this Act" added.

Clause, as amended, agreed to.

#### CONTENTS.

Saint Albans, D.	Boyle, L. ( <i>E. Cork and Orrery.</i> ) [ <i>Teller.</i> ]
Sutherland, D.	Churchill, L. [ <i>Teller.</i> ]
Bath, M.	Clarina, L.
Airlie, E.	Cloncurry, L.
Amherst, E.	Egerton, L.
Cardigan, E.	Gardner, L.
Devon, E.	Lismore, L. ( <i>V. Lismore.</i> )
Effingham, E.	Llanover, L.
Fortescue, E.	Minster, L. ( <i>M. Conyngham.</i> )
Hardwicke, E.	Mont Eagle, L. ( <i>M. Sligo.</i> )
Lucan, E.	Mostyn, L.
Orkney, E.	Ravensthorpe, L.
Romney, E.	Sheffield, L. ( <i>E. Sheffield.</i> )
Wilton, E.	Silchester, L. ( <i>E. Longford.</i> )
De Vespi, V.	Somerhill, L. ( <i>M. Clancricarde.</i> )
Falmouth, V.	Sondes, L.
Hawarden, V.	Talbot de Malahide, L.
Hutchinson, V. ( <i>E. Donoughmore.</i> )	Wynford, L.
Lifford, V.	
Bagot, L.	

#### NOT-CONTENTS.

Westbury, L. ( <i>L. Chancellor.</i> )	Sydney, V.
Cleveland, D.	Abercromby, L.
Somerset, D.	Avland, L.
Ailesbury, M.	Camoy's, L.
Exeter, M.	Chelmsford, L.
Normanby, M.	Clandeboyne, L. ( <i>L. Dufferin and Claneboyne.</i> )
Salisbury, M.	Crewe, L.
Abingdon, E.	Ebury, L.
Cawdor, E.	Foley, L. [ <i>Teller.</i> ]
De Grey, E.	Harris, L.
Derby, E.	Hatherton, L.
Desart, E.	Lyveden, L.
Ducie, E.	Methuen, L.
Granville, E.	Overstone, L.
Lonsdale, E.	Ponsonby, L. ( <i>E. Bessborough.</i> ) [ <i>Teller.</i> ]
Malmesbury, E.	Redesdale, L.
Russell, E.	Seymour, L.
Saint Germans, E.	Stanley of Alderley, L.
Wicklow, E.	Sundridge, L. ( <i>D. Argyll.</i> )
Melville, V.	Taunton, L.
	Wensleydale, L.
	Wodehouse, L.

Clause 4 (Penalty on new fixed Nets).

THE EARL of MALMESBURY said, he wished to know whether this was to be a Bill for the protection of salmon, or of all sorts of fish as well. He proposed to leave out the word "trout" from this and all the other clauses of the Bill where it occurred, so as to except that fish from the operation of the Bill, as was the case in England.

*Moved.* To leave out the word "trout."

LORD STANLEY OF ALDERLEY said, that the omission of the word would seriously affect the laws of fishing in Ireland with respect to trout.

*Amendment negatived.*

LORD CHELMSFORD proposed an Amendment to leave out the words "during the open season of 1862," in order to insert words, whereby stake nets that have been legally used "before the passing of this Act" may continue to be legally employed. The noble and learned Lord instanced the case of Mr. Reeves, one of the Petitioners, as illustrating the injustice that would be done if the clause remained in its present shape. That gentleman had had a right to use both stake nets and bag nets for fifty years past, but he had abandoned the use of that power. Bag nets would be rendered illegal by the Bill; and as he was not using stake nets in 1862, he would be prohibited from re-establishing them, and the result would be that his fishery would be annihilated.

LORD STANLEY OF ALDERLEY thought that the Amendment would give rise to great evil and inconvenience, and he contended that the clause was necessary, to suppress stake nets which had been erected since 1862.

THE MARQUESS OF CLANRICARDE supported the clause as it stood, and said it would be more rational and more convenient to introduce a saving clause in favour of Mr. Reeves rather than to make an important piece of legislation, affecting the whole of Ireland, imperfect on the hardship of one particular case.

THE EARL OF MALMESBURY said, that the question raised by his noble and learned Friend was of very great importance—of more importance than the existence of salmon itself—for it affected the character of their Lordships' House. Surely, if they attacked property in this way, their reputation would be very much diminished. He should like to hear the opinion of the Lord Chancellor upon the matter, especially as this part of the Bill had already been opposed by two ex-Chancellors.

THE LORD CHANCELLOR said, that he should have to-morrow to preside over their Lordships as the highest tribunal of justice in the land; but he should be ashamed to take his seat if he supported the principle of this clause. He had been

much shocked by some of the arguments by which the proposal had been supported—he had never expected to hear such arguments uttered in their Lordships' House. It had been said by a noble Lord on a former evening, that if an Act of Parliament passed in 1842 conferred certain rights, an Act passed in 1863 could take those rights away. A more revolutionary doctrine—a more wicked doctrine—had never been enunciated. The title to the Crown of this country was an Act of Parliament, the titles to the estates possessed by their Lordships were based upon Acts of Parliament; and if their Lordships countenanced such a doctrine, they would weaken the title to everything that was most valuable in the institutions of the country. Their Lordships had deliberately sanctioned the Act of 1842, which conferred certain rights. Were they now, at the end of twenty-one years, to attempt to take these rights away? Not having intended to take any part in this discussion, he had suggested an Amendment to a noble and learned Lord, which would have the effect of providing that nothing contained in this Bill should take away any right, title, or interest now possessed, enjoyed, or exercised by virtue of the enactments of the Act of 1842. His conscience would not permit him to do less than express his opinion on the course which had been taken with reference to this Bill.

LORD STANLEY OF ALDERLEY regretted that the conscience of the noble and learned Lord had not been moved when the English Bill was under discussion.

THE LORD CHANCELLOR said, he knew nothing about it. He gave the noble Lord and the House credit for not being capable of doing such an act of injustice.

LORD STANLEY OF ALDERLEY said, the noble and learned Lord ought to have known something about it, for he was in Parliament at the time. He disputed the correctness of what had been stated by the noble and learned Lord. This clause expressly reserved the rights of every person who had legally used a stake net previously to a particular time; but it was quite fair that Parliament should say that after a certain time no such stake nets should be erected. The question really was whether those nets should be forbidden from the beginning of this year or from the passing of this Act. He did not care about the



slight alteration that would be required to make the time date from the passing of the Bill.

VISCOUNT LIFFORD said, the Bill of 1842 was an utter robbery, not only of the proprietors, but of the public in general, and he trusted their Lordships would protect those who had suffered by that abominable measure.

THE EARL OF DERBY wished to recall their Lordships' attention to the immediate object of the Amendment. The clause provided that no fixed net not legally erected before or during the open season of 1862 should be placed or used for catching salmon or trout. Now, up to the end of 1862 the same individual had the right of using bag nets and stake nets, but might have preferred to use, not the stake net, but the bag net. The Bill prohibited the use of bag nets; and at the same time by this clause a man who might legally have used a stake net in 1862, but had not done so, would be deprived of the power of using such a net. His noble and learned Friend's Amendment provided that it should be lawful to use a stake net which might have been legally erected up to the passing of the Bill. That was nothing more than just, because it would be rather strange legislation to punish a man for having adopted a less injurious system of fishing.

LORD STANLEY OF ALDERLEY said, the rights of such a person would be protected by Clause 6.

THE LORD CHANCELLOR said, Clause 6 would not have that effect, because it would be controlled by Clause 4.

EARL GRANVILLE said, the practical question was whether their Lordships should give the same protection to the people of Ireland, who were most anxious on this subject, which they had given to the people of England and Scotland. In the Bills which referred to England and Scotland certain principles were no doubt strained. The real question, then, was whether they would consent to a principle in regard to Ireland which they had not been very scrupulous about when England and Scotland were concerned.

LORD CHELMSFORD wished to point out that the words which he proposed to insert were contained in the Bill as introduced in the House of Commons by the Government. The principle had been discussed over and over again, and over and over again the Government had expressed their determination to protect all vested rights.

*Lord Stanley of Alderley*

LORD STANLEY OF ALDERLEY would not object to the Amendment, provided the words "in use" were inserted. Those words were adopted in another clause of the Bill.

LORD CHELMSFORD said, he would not accept this alteration.

THE DUKE OF ARGYLL suggested that the words "in actual operation at the passing of this Act," would meet the difficulty.

*Moved*, To leave out "during the open season of one thousand eight hundred and sixty-two," for the purpose of inserting "and in actual operation at the time of the passing of this Act."

LORD CHELMSFORD said, he was willing to adopt this Amendment.

THE EARL OF DONOUGHMORE objected to the Amendment, both in its original and its altered form. He would remind their Lordships that by the Act of Charles I. all fixed engines were declared illegal and remained illegal until this provision was repealed by the Act of 1842; but this Bill contained a saving clause, protecting the interests of those who had *bond fide* taken advantage of the Act of 1842. Since this Bill was introduced, stake nets had been erected in many rivers in Ireland with a view of establishing a right which had not heretofore existed, and it was monstrous that for the sake of saving the alleged rights of Mr. Reeves these stake nets should be legalized. Their Lordships might as well give up the Bill at once as adopt the Amendments of his noble and learned Friend (Lord Chelmsford). The Amendment of the noble Duke would let in a quantity of nets which had been erected since the Bill was brought in, and he trusted that their Lordships would adhere to the clause as it stood.

On Question, Whether the words proposed to be left out shall stand part of the Clause? Their Lordships *divided*:—Contents 44; Not-contents 28: Majority 16.

*Resolved in the Affirmative.*

*Clause agreed to.*

#### CONTENTS.

Devonshire, D.	Ducie, E.
Saint Albans, D.	Effingham, E.
Sutherland, D.	Fortescue, E.
Ailesbury, M.	Hardwicke, E.
Airlie, E.	Harrowby, E.
Amherst, E.	Orkney, E.
Devon, E.	Romney, E.
	Wicklow, E.

De Vesci, V.  
Falmouth, V.  
Hutchinson, V. (*E. Donoughmore.*) [*Teller.*]  
Sydney, V.  
Torrington, V.

Bagot, L.  
Boyle, L. (*E. Cork and Orrery*)  
Churchill, L.  
Clarina, L.  
Cloncurry, L.  
De Mauley, L.  
Ebury, L.  
Egerton, L.  
Foley, L.  
Gardner, L.  
Hunsdon, L. (*V. Falkland.*)

Lismore, L. (*V. Lismore.*)  
Llanover, L.  
Methuen, L.  
Minster, L. (*M. Conyngham.*)  
Mont Eagle, L. (*M. Stingo.*)  
Mostyn, L.  
Overstone, L.  
Ponsonby, L. (*E. Bessborough.*)  
Ravensworth, L.  
Silchester, L. (*E. Longford.*)  
Somerhill, L. (*M. Clanricarde.*) [*Teller.*]  
Sondes, L.  
Talbot de Malahide, L.  
Wynford, L.

## NOT-CONTENTS.

Cambridge, D.  
Hawarden, V.  
Lifford, V.

Westbury, L. (*L. Chancellor.*)

Somerset, D.

Bath, M.  
Normanby, M.

De Grey, E.  
Derby, E.  
Desart, E.  
Granville, E.  
Lonsdale, E.  
Malmesbury, E.  
Russell, E.  
Saint Germans, E.  
Wilton, E.

Abercromby, L.  
Camoy, L.  
Chelmsford, L. [*Teller.*]  
Crewe, L.  
Denman, L.  
Seymour, L.  
Stanley of Alderley, L. [*Teller.*]  
Sundridge, L. (*D. Argyll.*)  
Templemore, L.  
Tyrone, L. (*M. Waterford.*)  
Wensleydale, L.  
Wodehouse, L.

Clauses 5 to 8 agreed to.

Clause 9 (Construction of Free Gaps).

LORD CHELMSFORD said, the clause proposed to give power to the Commissioners to make gaps or openings in all weirs—those which had been closed, and those in which they had no power under the Acts of 1842 and 1850 to make openings. The clause ended with a proviso declaring that no person should be entitled to compensation by reason of enforcing the opening of free gaps. He strongly objected to the principle of the clause, which was a direct infringement of the rights of private property, and would move to strike out the proviso for the purpose of inserting words to the effect that the Act shall not affect the right of owners of weirs, in which free gaps could not have been enforced without compensation previous to this Act, to any compensation to which they were otherwise entitled.

*Moved,* To omit the Proviso at the end of Clause 9.

LORD LLANOVER said, that some

years ago the upper waters of the English rivers were so utterly deprived of fish by these weirs that an Act of Parliament was passed, providing for a free gap in every weir, and the consequence was an enormous increase of salmon, to the advantage not only of the upper proprietors, but of the lower. No compensation was then asked, and he did not see how the owners of weirs in Ireland could be better entitled to compensation.

THE EARL OF MALMESBURY said, that the Irish had an Act which gave compensation, but the English had not.

LORD STANLEY OF ALDERLEY objected to the Amendment. The advantage which the owners of weirs would derive from the improvement of the rivers would be ample compensation for the opening of these gaps.

LORD CHELMSFORD hoped their Lordships would protect the rights of private persons.

LORD WENSLEYDALE concurred in thinking that compensation ought to be awarded.

EARL GRANVILLE appealed to his noble Friend (Lord Stanley of Alderley) to give way. He was very anxious to secure the object of the Bill, which was to prevent the utter destruction of salmon in the Irish rivers. The mere question of compensation was of secondary importance, and he would suggest that the proviso should be omitted, with the understanding that on the Report the clause originally introduced by the Government for regulating the mode in which compensation should be given should be added.

THE EARL OF HARDWICKE said, that when the gaps were made, by the course of nature the number of salmon would be increased. There would be no loss for which to give compensation, but, in fact, an actual gain.

LORD CHELMSFORD said, the clause of the Government was so drawn, that if there was no loss, there would be no compensation.

LORD STANLEY OF ALDERLEY said, he could not give way. To give up the clause was to give up the Bill.

On Question, Whether the said Proviso shall stand part of the Clause? their Lordships divided:—Contenta 36; Not-Contents 15: Majority 21.

*Resolved in the Affirmative.*

Clause agreed to.

## CONTENTS.

Sutherland, D.	Clarina, L.
Airlie, E.	Cloncurry, L.
Amherst, E.	Foley, L.
Desart, E.	Gardner, L.
Ducie, E.	Lismore, L. ( <i>V. Lis-</i>
Fortescue, E.	<i>more.</i> )
Hardwicke, E.	Llanover, L.
Harrowby, E.	Minster, L. ( <i>M. Conyng-</i>
Orkney, E.	<i>ham.</i> )
	Mont Eagle, L. ( <i>M. Sti-</i>
	<i>go.</i> )
De Vesci, V.	Mostyn, L.
Hawarden, V.	Overstone, L.
Hutchinson, V. ( <i>E. Do-</i>	Ponsonby, L. ( <i>E. Bess-</i>
<i>noughmore.</i> ) [ <i>Teller.</i> ]	<i>borough.</i> )
Lifford, V.	Seymour, L.
Torrington, V.	Silchester, L. ( <i>E. Long-</i>
	<i>ford.</i> )
Abercromby, L.	Stanley of Alderley, L.
Boyle, L. ( <i>E. Cork and</i>	Talbot de Malahide, L.
<i>Orrery.</i> ) [ <i>Teller.</i> ]	Templemore, L.
Churchill, L.	Tyrone, L. ( <i>M. Water-</i>
Clandeboye, L. ( <i>L. Duf-</i>	<i>ford.</i> )
<i>ferin and Claneboye.</i> )	Wynford, L.

## NOT-CONTENTS.

Westbury, L. ( <i>L. Chan-</i>	Romney, E.
<i>cellor.</i> )	Saint Germans, E.
Somerset, D.	Chelmsford, L. [ <i>Teller.</i> ]
	Crewe, L.
Normanby, M.	Denman, L. [ <i>Teller.</i> ]
	Redesdale, L.
De Grey, E.	Sundridge, L. ( <i>D. Ar-</i>
Derby, E.	<i>gyll.</i> )
Granville, E.	Wensleydale, L.
Malmesbury, E.	

Clauses 10, 11, 12 *agreed to.*

THE MARQUESS OF WATERFORD proposed to insert a clause prohibiting the use of nets of any kind or description in the fresh water portions of rivers in Ireland for the capture of salmon and trout.

THE EARL OF MALMESBURY said, this clause appeared to him absurd. Although a proprietor might have a river full of salmon, he was not to fish in it except with rod and line; and if he happened not to have them, he must go without fish for dinner.

THE DUKE OF ARGYLL was confident that the Scotch proprietors would never have assented to such a clause.

LORD STANLEY OF ALDERLEY was aware that many Irish landlords were in favour of the clause, but it was such an innovation on the existing law that he could not consent to it.

THE EARL OF DONOUGHMORE approved the object of the clause, and had himself given notice of a clause—which he would recommend his noble Friend to adopt—to the same effect, but exempting certain cases where nets had been used from time

immemorial, to which it would be unjust to apply it.

THE MARQUESS OF WATERFORD consented.

Page 5, line 39, after Clause 12, *moved* to insert the following Clause:—

("No Net shall be used for the Capture of Salmon or Trout in the Fresh-water Portion of any River, as defined by the Commissioners under this Act, except so far as the same may have heretofore been used within the Limits of a Several Fishery next above the Tidal Flow, and held under Grant or Charter or by immemorial Usage"): (*The Viscount Hutchinson.*)

On Question, Whether the said Clause shall be there inserted? their Lordships *divided*:—Contents 11; Not-Contents 27: Majority 16.

## CONTENTS.

Devonshire, D.	Cloncurry, L.
	Lismore, L. ( <i>V. Lis-</i>
	<i>more.</i> )
Fortescue, E.	Llanover, L.
Harrowby, E.	Mostyn, L.
Hutchinson, V. ( <i>E. Do-</i>	Silchester, L. ( <i>E. Long-</i>
<i>noughmore.</i> ) [ <i>Teller.</i> ]	<i>ford.</i> )
	Tyrone, L. ( <i>M. Water-</i>
	<i>ford.</i> ) [ <i>Teller.</i> ]
Clarina, L.	

## NOT-CONTENTS.

Westbury, L. ( <i>L. Chan-</i>	Lifford, V.
<i>cellor.</i> )	
Airlie, E.	Chelmsford, L.
Amherst, E.	Churchill, L.
De Grey, E.	Crewe, L.
Derby, E.	Foley, L. [ <i>Teller.</i> ]
Desart, E.	Overstone, L.
Ducie, E.	Ponsonby, L. ( <i>E. Bess-</i>
Granville, E.	<i>borough.</i> )
Hardwicke, E.	Redesdale, L.
Malmesbury, E.	Stanley of Alderley, L.
Romney, E.	Sundridge, L. ( <i>D. Ar-</i>
Saint Germans, E.	<i>gyll.</i> )
	Talbot de Malahide, L.
	Templemore, L. [ <i>Teller.</i> ]
De Vesci, V.	Wensleydale, L.
Hawarden, V.	

Motion *negatived*

Clauses 13 to 19 *agreed to.*

*Moved* to omit Clause 20: On Question, Whether the said Clause shall stand part of the Bill? their Lordships *divided*:—Contents 18; Not-Contents 19: Majority 1.

## CONTENTS.

Devonshire, D.	Lifford, V.
Amherst, E.	
Desart, E.	Clarina, L.
Fortescue, E.	Cloncurry, L.
Hardwicke, E.	Llanover, L.
Orkney, E.	Mont Eagle, L. ( <i>M. Sti-</i>
Romney, E.	<i>go.</i> )
De Vesci, V.	Ponsonby, L. ( <i>E. Bess-</i>
Hawarden, V.	<i>borough.</i> ) [ <i>Teller.</i> ]
Hutchinson, V. ( <i>E. Do-</i>	Talbot de Malahide, L.
<i>noughmore.</i> ) [ <i>Teller.</i> ]	Wynford, L.

## NOT-CONTENTS.

Westbury, L. (*L. Chancellor.*) Derby, E.  
Ducie, E. [*Teller.*]  
Granville, E.  
Airlie, E. Malmesbury, E.  
De Grey, E. Saint Germans E.  
Chelmsford, L. Stanley of Alderley, L.  
Churchill, L. Sundridge, L. (*D. Argyll.*)  
Crewe, L. Templemore, L.  
Foley, L. [*Teller.*] Tyrone, L. (*M. Waterford.*)  
Redesdale, L. Wensleydale, L.  
Silchester, L. (*E. Longford.*)

Clauses 21 to 29 *agreed to.*

New Clause (Salmon Passes and Fish Ladders to be open to Inspection) inserted.

Remaining Clauses *agreed to.*

Report of the Amendment to be received *To-morrow*; and Bill to be *printed*, as amended. (No. 229.)

## EXHIBITION MEDALS BILL [H.L.].

A Bill to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibitions of 1851 and 1862—Was *presented* by The Lord SOMERSET, and read 1<sup>st</sup>.

House adjourned at Nine o'clock,  
till To-morrow, a quarter  
before Five o'clock.

## HOUSE OF COMMONS,

*Monday, July 20, 1863.*

MINUTES.]—NEW WRIT ISSUED—*For* Clar-County, v. Francis M<sup>rs</sup> Namara Calcutt, esquire, deceased.

SUPPLY—Resolution [July 17] *reported*.\*

WAYS AND MEANS—Resolutions [July 17] *reported*.\*

PUBLIC BILLS—*Resolution in Committee*—Customs Duty on Spirits\* [No Report].

*Ordered*—Consolidated Fund (Appropriation).

*First Reading*—Superannuations (Union Officers)\* [Bill 253]; Consolidated Fund (Appropriation).

*Second Reading*—Colonial Acts Confirmation (Lords)\* [Bill 250].

*Committee*—Indemnity\*; Colonial Letters Patent (Lords)\* [Bill 237]; Jurisdiction of Justices (Lords)\* [Bill 232]; Land Tax Commissioners' Names\* [Bill 230]; Anchors and Chain Cables [Bill 95].

*Report*—Indemnity\*; Colonial Letters Patent (Lords)\*; Jurisdiction of Justices (Lords)\*; Land Tax Commissioners' Names\*.

*Considered as amended*—Promissory Notes and Bills of Exchange\* [Bill 218]; Partnership Law Amendment\* [Bill 242]; Pauper Lunatic Asylums.

*Third Reading*—Railways Clauses\* [Bill 230]; Waterworks Clauses\* [Bill 222]; Turnpike Act Continuance, &c. [Bill 228]; Expiring Laws Continuance [Bill 238]; Petty Sessions (Ireland) [Bill 235]; Poisoned Grain, &c. Prohibition [Bill 223].

*Withdrawn*—Church Rates Recovery [Bill 224].

LONDON (CITY) TRAFFIC REGULATION  
BILL [*Lords*] (*by Order*)—

## THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed,  
"That the Bill be now read the third time."

SIR JOHN SHELLEY said, he should move that the Bill be re-committed to a Committee of the Whole House. He did not at all deny that it was desirable to provide in some way for the regulation of the traffic of the City. But he thought they ought to take care, lest in endeavouring to stop some inconveniences they created others. The measure, in fact, ought to have been brought in as a public and not as a private Bill. The boundary lines between the City and the rest of the metropolis were, for the most part, imaginary, and it was clear, therefore, that in seeking to legislate for the City only they would be in fact legislating for the whole metropolis, and that ought not to be done in any other way than by a public measure. He believed the Bill, as it stood, would be of very little use, and he was anxious to propose Amendments in it. He had no desire to throw the measure over, but he was anxious that the matter should be properly dealt with.

Amendment proposed,

To leave out the words "now read the third time," in order to add the words "re-committed to a Committee of the Whole House,"—(*Sir John Shelley.*)

—instead thereof.

MR. ALDERMAN SIDNEY said, that the City authorities were anxious, on the score of the public advantage, that the traffic in the City should be as unimpeded as possible, and, judging from the result of their experiment in regulating the traffic on London Bridge, they had come to the conclusion that a similar regulation throughout the City generally would facilitate the traffic in the streets. They accordingly applied to Parliament for necessary powers to effect that object; but they did not ask for any very extraordinary powers, for whatever by-laws they passed to regulate the traffic must, in order to be of force, receive the sanction of the Home Secretary. The Bill had been opposed before the Committee upstairs, but those who had been loudest in opposing it were then the most anxious that it should pass into law. It was as much for the interest of the metropolis at large as of the City that the Bill should

pass, and he did not think the hon. Baronet had shown any reason why the Bill should not pass.

MR. AYRTON said, if there were no other reason for re-committing the Bill, there was a very good one in the fact, that it proposed to give the Court of Aldermen—a body of the narrowest and most exclusive character—the power of regulating the traffic over the whole of the metropolis, not the City of London merely. If any power at all were granted, it ought to be to the Common Council, or to the Board of Works, which represented a constituency, and would be responsible to somebody or to Parliament. The Bill would enable the Court of Aldermen to prevent omnibuses passing from the suburbs to the Bank of England, and he should therefore vote for the Amendment.

MR. MASSEY said, the Motion of the hon. Member for Westminster was of a very unusual character. He had not given the House any idea of the Amendments he desired to propose, and had neglected the opportunity of bringing them forward on a former stage of the Bill. The hon. Member for the Tower Hamlets (Mr. Ayrton) formed a very low estimate of the capacity of the Court of Aldermen, but however humble their ability, they were surely capable of deciding what routes through the City cabs and omnibuses ought to follow, how many shoe-blacks should be stationed at the end of any street, and at what hour householders ought to take in their coals. These questions were substantially the only ones which the Court of Aldermen would have to determine under the Bill, and he hoped the House would accept it. A Committee of the Whole House could not properly consider the details of such a measure, and ought to accept the finding of the Select Committees of the two Houses, which had reported in its favour.

MR. CRAWFORD thought the House might very safely pass the Bill. Unless some such powers were given to the City authorities, he believed that passage through the City would soon become all but impossible. He did not share the jealousy which had been expressed of the Court of Aldermen, nor had there been any opposition to the measure from traders or other persons in the City. The Bill provided plenty of safe-guards against abuse of authority, and he hoped the House would agree to the third reading.

SIR GEORGE GREY said, he would appeal to the hon. Member not to press

*Mr. Alderman Sidney*

his Motion. It could not be denied that the Bill, while regulating the traffic of the City, would have an operation far beyond those limits; but, at the same time, it was a useful measure.

MR. H. BAILLIE stated, that the opposition to the Bill before the Committee, of which he was Chairman, was practically withdrawn.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill read 3<sup>d</sup>, and *passed*, with Amendments.

#### GREAT EASTERN RAILWAY (STEAM-BOATS) BILL [*Lords*].—CONSIDERATION.

MR. C. FORSTER said, he rose to move that in the case of the Great Eastern Railway, (Steamboats) Bill, Standing Orders 184, 192, and 220 be suspended, and that the Bill be considered forthwith.

Motion made, and Question proposed,

"That, in the case of the Great Eastern Railway (Steamboats) Bill, Standing Orders 184, 192, and 220, be suspended, and that the Bill be now taken into Consideration."

MR. MASSEY said, he understood that the hon. Member for South Lancashire (Mr. A. Egerton), who had given notice of an Amendment, was from an unavoidable cause obliged to be absent, and he was desirous, if such was the pleasure of the House, that the Motion should stand for the following day. He (Mr. Massey) moved, therefore, that the consideration of this Bill be postponed till to-morrow.

Amendment proposed,

"To leave out the word 'now,' and at the end of the Question to add the words 'To-morrow, at Six of the Clock.'—(Mr. Massey.)"

MR. ADAM said, that many hon. Members had come down to the House that day in the expectation that the Bill would be considered, and it would be very inconvenient to them that the consideration of it should be postponed.

Question, "That the word 'now' stand part of the Question," put, and *agreed to*.

Main Question put, and *agreed to*.

Bill *considered*.

Motion made, and Question proposed, "That the Bill be read the third time."

MR. CRAWFORD said, that in the absence of the hon. Member for South Lancashire (Mr. A. Egerton), he would then

move that the Bill be read a third time on that day two months. The whole principle involved in the Bill had been fully discussed on a recent occasion, and he would only say that the Bill was opposed on the ground that it was contrary to public policy that railway companies should be invested with powers to run steamboats on voyages not of what might be termed a ferry character.

Amendment proposed, at the end of the Question, to add the words "upon this day two months."—(*Mr. Crawford.*)

CAPTAIN JERVIS said, that as the Committee had laid their Report on the table, and as the Report fully substantiated the necessity for the Bill, he trusted that the Motion would be negatived.

SIR HUGH CAIRNS said, the question involved in the Bill was one of public policy; and it was desirable, therefore, that the House should, on a future day, have an opportunity of discussing it, and deliberately making up their minds upon the proper view to be taken of it. He apprehended the meaning of the Standing Orders of that House on the subject to be, that, as a general rule, the House did not approve of railway companies being allowed to own or subsidize steamboats. He thought that no special case had been made out in favour of the Great Eastern Company, and therefore it was impossible to treat the measure as one standing on exceptional grounds. He might also mention, on the authority of the opponents, that they were prevented from adducing evidence against the Bill by an intimation from the Committee that they did not desire to deal with the case as a special case, but wished the question to be argued on principle. After that declaration, and after the admission of witnesses for the promoters that other railway companies would be entitled to apply for similar powers, and that steamboat proprietors must submit to be swept from the sea, they satisfied themselves with a speech from their leading counsel, and did not attempt to go into the details of the Bill. In their second Report the Committee had been led into statements which could not be substantiated. He was not aware that the money expended on Harwich harbour was expended by the Government with any view to the Great Eastern Railway Company becoming steamboat proprietors; nor was it correct to state that private enterprise had failed to establish steam communication between Silloth, near Carlisle, and the north of Ireland.

SIR HERVEY BRUCE said, that the hon. and learned Gentleman had treated the Committee with great unfairness, in not only impugning their judgment but impugning their statements. The Committee had minutely considered the details of each case; and it was entirely on the ground of their exceptional character that they had come to the conclusion which they had done.

MR. MILNER GIBSON said, he should not have interfered in the discussion but for the Report of the Department with which he was connected upon the general question as to how far railway companies should be permitted to be proprietors of steamboats. The Board of Trade, in stating the limits within which they thought such powers should be granted, recommended that when a railway company was in possession of a line terminating at a port in an important district, the import and export trade of which was shown to need development, and which was not supplied by private enterprise with the requisite steam communication, the company should be permitted to become proprietors of steamboats. The case before them came exactly under that principle. There was not a single steamboat leaving the eastern coast of England between London and Hull; private enterprise had not, and was not likely to, supply the steam communication between that important coast and the opposite coast of Holland; and when a railway company undertook to supply the want, it was said that they should not, because a steam navigation company had boats running from London to Holland. He thought the reasons given by the Committee for making that case an exception to the ordinary rule were well founded, and they had precedents for granting such powers, in the communication between Newhaven and Dieppe, between Dover and Calais, and Dover and Boulogne, and between Holyhead and Kingstown. The Bill had been sanctioned by Committees of both Houses, and he hoped that it would be allowed to pass.

MR. STURT said, that, as a Member of the Committee, he hoped the House would support the decision at which, after hearing both sides of the question, he and his Colleagues had arrived. The Committee passed the Bill because it was proved that it would confer a great benefit upon the public. He supported it on free trade principles, as there was no doubt it would develop a very considerable trade. His

right hon. Friend the Member for Oxfordshire (Mr. Henley) had, on a former occasion, asked for some facts in support of the Bill. He would therefore furnish him with one or two. Supposing his right hon. Friend wished to go to Rotterdam for change of air, he could not get there from London at present in less than twenty-three hours, whereas the journey by the Harwich route would occupy only twelve hours. Moreover, if his right hon. Friend should happen, contrary to his usual methodical habits, to leave his portmanteau behind, he must now pay £1 17s. to get it sent to him, whereas the carriage *via* Harwich would be 6s. 6d. He hoped the House would support the decision of its Committee.

MR. CLAY said, that the right hon. Gentleman the President of the Board of Trade had stated the only reason that could be given for the passing of the Bill—namely, that no individual shipowners and no steamboat companies would start a line of ships between Harwich and the Continent. And why did they object to do so? Because the entrance to the harbour had been blocked up by continual silting. But a Bill had been passed which gave the Government money to remedy that; and in a short time there would be no hesitation on the part of shipowners to start a line of steamers from the harbour. He undertook to say that the General Steam Navigation Company would have no objection to furnish ships. He was the chairman of a railway which adjoined a very great port, and he was much interested in other railways similarly situated, and therefore if he were to consult his private interests he should desire the passing of this Bill. But, as a Member of Parliament, he had to perform a duty of far higher importance than his own private interests, and he should view with the greatest alarm any relaxation of the old principle that Parliament should not allow railway companies to become shipowners. Individual shipowners would be unable to compete for a moment with the enormous capital of railways.

SIR EDWARD COLEBROOKE said, that if the Bill were passed, attempts would be made hereafter by other railway companies to get steamboat powers, and ultimately the steamboat companies all round their coasts would thus be run down by the competition of railway companies.

Question put, "That those words be there added."

Mr. Sturt

The House divided:—Ayes 59; Noes 121: Majority 62.

Main Question put, and *agreed to*.

#### ARMY PRIZE PROPERTY.

##### ANSWER TO ADDRESS.

Answer to Address [14th July] reported, as follows:—

*I have received your Address, praying that a Commission may be issued to inquire into the realization of Army Prize Property, and its mode of distribution, and into the cause of the delays which have, in most cases, occurred in its distribution to the Captors, with a view to a remedy for the same.*

*And I have given directions that a Commission shall issue for the purpose which you have requested.*

#### POST OFFICE CONTRACTS.

##### OBSERVATIONS.

THE CHANCELLOR OF THE EXCHEQUER said, as the question of the production of the Post Office contracts had been referred to the other evening, it would be convenient to state that three of these contracts had been actually laid upon the table, and had been in the hands of hon. Members for a greater or less period of time. They were the contracts for the Cape, for Brazil, and with the Atlantic Royal Mail Company. With regard to those three contracts, his hon. Friend near him would on the following day ask a Vote of the House to give validity to them, as a month from the time of their being laid on the table would probably have not elapsed when the prorogation took place. As the Dover contract had not yet been concluded, and could not be in the hands of Members for some days at least, no Vote upon that contract would be submitted to the House during the present Session.

#### THE TELEGRAPH TO BRITISH COLUMBIA.—QUESTION.

MR. WYLD said, he would beg to ask the Under Secretary of State for the Colonies, if Her Majesty's Government have signified their intention to make grants of land to the extent of 1,000,000 acres in portions of the Crown Territory traversed by a proposed telegraphic line between Canada and British Columbia; if the Government have determined in what district of the territories of British

North America the grant of 1,000,000 acres is to be made; and if the People to be settled upon the lands so granted are to be subject to the Government of the Province of Canada, or to the Governors of the Colony of British Columbia?

MR. CHICHESTER FORTESCUE said, in reply, that the best answer he could give would be to refer the hon. Gentleman to two sentences from the Papers on this subject which had been laid upon the table. He would find on page 13, in reference to the telegraph, the following:—

"In case the route shall run through Crown land not within the limits of Canada or British Columbia, nor within the territory claimed by the Hudson's Bay Company, the company shall be entitled to demand Crown grants to the extent of five square miles for every mile of telegraph line within such Crown land. Such grants shall be demandable as soon as the telegraphic communication shall be completed across such Crown land; and the blocks granted shall be adjacent to the telegraph line, and shall be as near as may be five miles square, and shall alternate on each side of the line with blocks of similar size and frontage, which shall remain in possession of the Crown."

Again, the Duke of Newcastle said—

"His Grace apprehends that the Crown land contemplated in Article 8 is the territory lying between the eastern boundary of British Columbia and the territory purporting to be granted to the Hudson's Bay Company by their charter. His Grace must clearly explain that Her Majesty's Government do not undertake in performance of this article of the agreement to go to the expense of settling any questions of disputed boundary, but only to grant land to which the Crown title is clear."

The district to which the Question of the hon. Gentleman referred, if it existed at all, lay between the western limits of the territory claimed by the Hudson's Bay Company and the eastern limits of British Columbia. It was probable it would be under the Government of Canada, as it was separated from British Columbia by a mountain chain. But whatever form of Government was to be adopted there would be best decided when the settlement took place. To discuss it in the mean time would be premature.

#### DISEASED SHEEP AND CATTLE.

##### QUESTION.

MR. HUME said, in the absence of his hon. Friend (Mr. R. Long) he would beg to ask the Secretary of State for the Home Department, Whether his attention has been called to certain statements respecting the importation of diseased sheep and cattle, made by Professor Gamgee in his inaugural

address to the members of the New Veterinary College, Edinburgh, in November 1862—namely, "that pleuro-pneumonia and epizootic aphtha never appeared in Ireland till foreign cattle were imported there;" that "the maladies peculiar to British soil, though often very fatal, never arose above one or one and a half per cent loss, and usually much less; five, six, and ten per cent are a common yearly average now, and that last year we did not lose in England alone less than three times the amount of cattle we imported; and if we calculate the loss over the three kingdoms, it will be found that for every animal we purchased from foreign dealers we did not lose less than six or seven of our own:" Whether the above statements are well founded, and, if so, what steps the Government propose to take to prevent such evils for the future; and whether the Reports of Professor Gamgee, made to the Government on his return from the Continent last autumn, will be laid upon the table of the House this Session?

SIR GEORGE GREY said, in reply, that he had not seen the inaugural address of Professor Gamgee, therefore he could not say whether the statements alleged to have been made by him in that address were well founded. Professor Gamgee's Report was contained in the appendix to the Report of the Board of Health, which would be presented in the course of the next few days.

#### CRIMINAL LAWS OF JERSEY.

##### QUESTION.

MR. HADFIELD said, he would beg to ask the Secretary of State for the Home Department, Whether he intends to bring in a Bill or Bills to carry into effect the recommendations of the Royal Commissioners appointed in 1846 for inquiry into the Criminal Laws of Jersey, and the Royal Commissioners appointed in 1859 for inquiry into the Civil Laws of Jersey, except such of them (if any) as have been already carried out by the States of Jersey; and particularly whether it is his intention, considering that the said States have declined to reform the Royal Court, to take any course, by legislation or otherwise, to carry out the recommendations of the said Royal Commissioners (1859) on that subject?

SIR GEORGE GREY, in reply, said, the Government had no intention of proposing any Bill upon the subject of reforms in the Island of Jersey. The States, although slow in making reforms, had lately



shown a disposition to make a reform of the Royal Court, and therefore he thought the matter might be left with them for the present.

#### THE ROYAL FORESTS IN ESSEX.

##### QUESTION.

VISCOUNT ENFIELD said, he wished to ask the Secretary to the Treasury, Whether it is intended to act upon the recommendations contained in the Report of the Committee on the Royal Forests in Essex?

MR. PEEL said, in reply, that the Committee were very much divided in opinion, and it was not easy to collect precisely what were their recommendations, and in what manner they intended they should be acted upon. One recommendation was, that any past encroachments on the forestal rights of the Crown should be abated. The question, what proceedings should be taken to give effect to that recommendation, and whether the prospect of success would be commensurate to the expense, was under the consideration of the Law Officers of the Crown. Another recommendation was, that what remained uninclosed of the forests should be inclosed, and that a people's park should be founded by means of Crown allotments and with the assistance of grants of public money. But the Crown had no landed property there whatever. It had only forestal rights, and it must rest with the Lords of the Manor and the copyholders whether they would grant pieces of land to form into a park. With regard to proposing a grant of public money, that was a point which had not yet received sufficient consideration.

VISCOUNT ENFIELD said, he wished to know whether the Crown would permit of the continuance of inclosures, as it did before the Resolution of the House of Commons?

MR. PEEL said, the Resolution referred, not to inclosures, but to the sale of the forestal rights of the Crown, which was a distinct thing.

#### PASSENGER CARRIAGES ON RAILWAYS.

##### QUESTION.

MR. ALDERMAN SALOMONS said, he would beg to ask the President of the Board of Trade, If there exists any regulation of the Board of Trade to prevent Passenger Carriages being attached to the

*Sir George Grey*

Engine or Tender of a Railway Train without the intervention of a Luggage or other Van?

MR. MILNER GIBSON, in reply, said, his Department had no power of making regulations for the arrangement of carriages in a train. No complaint of the practice referred to by the hon. Member had been made to the Government. Had any complaint been made, or had the Inspectors reported upon the subject, a letter would have been written to the Railway Companies calling their attention to the subject; but there was no power to make any absolute order.

#### BANKRUPTCY STATISTICS.

##### QUESTION.

MR. MURRAY said, he would beg to ask Mr. Attorney General, For an explanation of the delay in laying before Parliament the Annual General Return, to the 11th of October 1862, of the business of the respective Offices in the Courts of Bankruptcy, and Registrars of County Courts acting in Bankruptcy (required by the 67th Section of the Bankruptcy Act 1861); and if he can state when the Returns will be laid upon the table; and whether they will then be arranged under the authority of the Home Department, and published so as to complete the Judicial Statistics for the year 1862?

THE SOLICITOR GENERAL said, the delay had been a subject of much regret to the Lord Chancellor, who had not failed to press for a speedy production of the Returns. The explanation was, that the gentleman whose duty it was to prepare the Returns for the Bankruptcy Court had suffered during the past year from illness, and being unwilling that his duties should be imposed upon any other person, a delay had arisen. He was, however, informed that the Returns would certainly be laid upon the table by Monday next, and every effort would be made to add them at once to the table of Judicial Statistics already published.

#### MEDICAL OFFICERS IN THE ARMY.

##### QUESTION.

MR. BLAKE said, he wished to ask the Under Secretary of State for War, On what grounds are Medical Officers of the Army, by a late Warrant, precluded from acting as Presidents of Boards of Inquiry, Boards of Survey, and Committees?

THE MARQUESS OF HARTINGTON said, in reply, that last year it was thought necessary to re-consider the privileges which were conceded to non-combatant Officers. A Committee was appointed to consider the subject, and their inquiries resulted in the Warrant alluded to. The decision of the Committee had been approved by the Medical Director General, and therefore he did not think that the Medical Officers could feel that any stigma had been thrown upon them.

#### THE LATE RIOTS AT ST. VINCENT'S.

##### QUESTION.

MR. W. E. FORSTER said, he would beg to ask the Under Secretary of State for the Colonies, Whether the statement be true, that during the recent riots at St. Vincent's there was indiscriminate flogging of the Negroes by order or permission of the authorities; and, if he has not heard of such statement, whether he will inquire into its truth?

MR. CHICHESTER FORTESCUE said, in reply, that there had been received at the Colonial Office very full information with respect to the riots which took place at St. Vincent's. But in that information he could only find a single case of flogging having taken place during the continuance of Martial Law. That was in the case of three Negroes, flogged by order of a Police Magistrate. There were also several cases of prisoners tried and convicted, and whom the Chief Justice of the Island sentenced besides imprisonment to flogging. With respect to those sentences, the noble Duke at the head of the Colonial Office had some time since ordered a mitigation of them. He (Mr. Chichester Fortescue) was ready, if required, to take further means to ascertain the point referred to by the hon. Gentleman.

##### DAUNT'S ROCK.—QUESTION.

MR. MAGUIRE said, he would beg to ask the President of the Board of Trade, Whether his attention has been called to the necessity of providing some better means than now exist of protecting vessels on their voyage to and from America, from the danger arising from the position of Daunt's Rock, some miles off the entrance to Cork Harbour; and whether he has taken any steps in consequence?

MR. MILNER GIBSON said, in reply, that the representation made to the Board of Trade through the hon. Member, with

reference to the necessity for some new beacon or means of warning to ships upon this dangerous rock, was still under consideration.

#### AFFAIRS OF POLAND.

VISCOUNT PALMERSTON moved, that the Orders of the Day be postponed until after the notice of Motion relating to Poland.

*Ordered*, That the Orders of the Day be postponed till after the Notice of Motion relative to Poland.—(*Viscount Palmerston*.)

MR. HORSMAN : Sir, the war in Poland had some time ago attracted the attention of all Europe; and there is not a Cabinet in Europe which has not made the condition of Poland a subject of anxious deliberation and given the result of that deliberation in some form or other to the world. The proceedings of the British Government are set forth in the Papers that have been presented to Parliament, and they show that England has taken an active and prominent part—I may say, indeed, the most active and prominent part—in the diplomatic transactions with Russia and other Powers. Whether that activity and prominence will be hereafter remembered as a cause of national pride or of national reproach—of pride for great services rendered to Europe, or of reproach for the aggravation of calamities and perils already too deplorable—has yet to be determined. But it is very difficult to exaggerate the importance of the Papers which have been laid on the table, or the responsibility in which they involve the Government. I confess that I approached the perusal of these Papers with the sort of half-reluctant interest that attaches to a very painful and familiar question, which statesmen had abandoned in despair and philanthropists had only taken up further to depress. But as I read on I was surprised and startled by the new interest imparted to what had seemed politically defunct, and I closed the first perusal of these Papers with a feeling of perplexity and alarm. I have never seen a volume of diplomatic correspondence of which the interest was so sustained throughout. The despatches of our Foreign Secretary are not only interesting, but the studied moderation of their tone makes them in parts more exciting. But they derive their importance not so much from the transactions they narrate, as from the far graver events

which they portend. These despatches are but the introduction to a history which is yet preparing. We have as yet but the prologue to the drama. The whole plot is not yet developed, and no one can pretend to tell the sequel. It is impossible, however, not to see that England is placed by this correspondence, as regards Poland and Russia, and most of all as regards Europe, in a state of entanglement from which it seems impossible to escape. Whether the placing us in that position by the Government has been a matter of choice or of necessity—whether it has been on their part politic and praiseworthy, or to the last degree rash and reprehensible—we may probably be able better to judge after the explanations we shall hear to-night; but I own that when the war first broke out I viewed with feelings of apprehension the possible renewal of an irritating and tantalizing diplomacy, which cannot be abortive without being highly mischievous. Poland has been diplomatized to death, and I hold it to be unworthy of England that her Ministers and statesmen should, by speeches and despatches, excite the Poles only to abandon them in international councils. To my mind, therefore, the only possible justification for this renewal of diplomacy could be a strong conviction on the part of the Government that a new and better opportunity had arisen capable of being so used that the attempted settlement of the Polish question should not again be abortive. Therefore, I approach the question with this feeling:—If these despatches have been written with a clear object in view—if the Cabinet have had a policy well-defined and understood, deliberately adopted, to be consistently pursued, with a fixed determination, that so far as might depend on the resolution of a united Cabinet, it should be pursued to a successful termination—then, I say, the House will do wisely not only to suspend any judgment adverse to those renewed negotiations, but to hold itself free to accord all the praise that may be due to a Government addressing itself to a question of such magnitude with courage, and sagacity, and success. But if it should be otherwise—if it should be, as some language, which we have lately heard attributed to our Foreign Secretary would lead us to believe, but as I will not believe until I hear it confirmed by the higher authority of the head of the Government—if all the virtue and energy of the Cabinet are exhausted in these despatches, and if, after having so well stated the case against Rus-

*Mr. Horsman*

sia not on behalf of Poland, but on behalf of Europe, which gave Russia its sole title to Poland—if, having taken such pains to convict Russia, to excite Poland, and to wake up the conscience of Europe, our Government are now to say, “We have discharged our duty, and can go no further”—then I foresee that at no distant day Parliament may turn upon the Government and reply, “You have not discharged, but you have exceeded your duty. If you did not mean to go farther, you have gone a great deal too far, for you have exasperated Russia, you have once more deluded and victimized Poland, or you have invoked and let loose other Powers and passions in her defence, and so may have lit a flame in Europe beyond your power to extinguish.” Now, the Polish question takes its rise in these Papers with the Treaty of Vienna, and from the date of that treaty the national rising in Poland has been one long growing event. In order to understand our position and its duties, we must consider this as a continuous historical question, and examine it as a whole from 1815 to the present day. The House is so familiar with everything pertaining to the Treaty of Vienna, that I need only refer to it to refresh its recollection on two points. First, let me remind it of the objections taken by the plenipotentiaries at Vienna, and so well and wisely urged by Lord Castlereagh, to the proposed extension of Russian territory by the annexation of Poland, because it was foreseen that the Russian frontier would be brought so near to the capitals of Austria and Prussia, as to enable Russia to menace and overawe those Cabinets, and so obtain a preponderating influence in European affairs. The second objection was that taken by every leading statesman of the day whose opinion has been recorded, to the proposed experiment of uniting Poland by a constitution to Russia; for it was obvious that two such antagonistic systems—a constitutional and a despotic—could not work together, and that ere long an assimilation must take place, either by giving a constitution to Russia, or—which was more probable—by taking away the constitution from Poland. But I should be guilty of an omission if I did not dwell on these despatches of Lord Castlereagh, written during the Congress of Vienna, in order that the House may remark the vigorous and prophetic language of Lord Castlereagh, so honourable both to the man and the nation he represented; and I also think that hon.

Members should have before them the *ipsissima verba* of the plenipotentiaries of Austria and Prussia. The representatives of Austria and Prussia were very much alarmed at the Russian project of annexing Poland; but being too timid to fight their own battles in the Congress, they made Lord Castlereagh the confidant of their fears, and the mouthpiece of their remonstrances. The correspondence begins by a despatch from Lord Castlereagh to Lord Liverpool, dated October 19, 1814, from Vienna. In that despatch Lord Castlereagh says —

“Vienna, Oct. 19, 1814.

“The existing Congress appeared to me to furnish a suitable expedient, as it enabled these Powers to represent to Russia, without menacing her with war, that they could not make themselves, in the face of Europe, the instruments of their own humiliation. . . . With this view I desired an audience of the King of Prussia. . . . I pressed His Majesty not to abandon the interests of his monarchy in despair, and begged that he would oppose every obstacle, short of arms, to an arrangement which left his provinces uncovered, and his State in obvious dependence on another Power.”

Shortly after that Lord Castlereagh was applied to formally to be the champion of the Austrian and Prussian plenipotentiaries with the Russian Government, and to make the remonstrances which they feared to make for themselves. Prince Metternich wrote on the 2nd of November to Prince Hardenberg in these words—

“Vienna, Nov. 2, 1814.

“With the view of facilitating and accelerating the progress of the negotiations, the undersigned has the honour to propose to His Highness the Prince de Hardenberg to invite Lord Castlereagh to be the spokesman in the name of the two Courts to His Majesty the Emperor of all the Russias, and he believes that he will not less advance the negotiations themselves than give a proof of the frankness of the conduct of his Court by annexing to the present communication a note containing the propositions which the Secretary of State of His Britannic Majesty might be requested to make in the name of the two Courts.”

“Memorandum by Prince Metternich [enclosed with above].

“Animated by principles the most liberal and the most conformable to the establishment of a system of equilibrium in Europe, and opposed since 1772 to every project for the partition of Poland, Austria is ready to consent to the re-establishment of that kingdom, free and independent of every foreign influence, on a scale commensurate with its dimensions previously to the first partition.”

Lord Castlereagh accepts the invitation made to him by the plenipotentiaries of Austria and Prussia to be their mouthpiece, and with these credentials he goes to the Emperor of Russia. I will give

only one specimen of the mode in which he discharged his functions. On the 12th of October he wrote thus to the Emperor of Russia —

“Vienna, Oct. 12, 1814.

“I do not hesitate to declare, Sire, my solemn conviction that it depends exclusively upon the temper in which your Imperial Majesty shall meet the questions which more immediately concern your own empire, whether the present Congress shall prove a blessing to mankind, or only exhibit a scene of discordant intrigue and a lawless scramble for power.”

Very shortly afterwards—within a fortnight of that manly and outspoken language being addressed to the Russian Emperor—a council of the three Plenipotentiaries was held at Lord Castlereagh's house, and he sent this report to Lord Liverpool on the 24th of October —

“Vienna, Oct. 24, 1814.

“It was agreed that the Austrian and Prussian Ministers should meet the following day at my house, and I have the gratification to state that the result was satisfactory. . . . The measures to be jointly adopted with this view were then discussed, and they desired me to prepare a memorandum of the result, a copy of which I now enclose, on which they mean to take the pleasure of their respective Sovereigns. From the memorandum spoken of above, it appears that there was an agreement for the complete and entire re-union of Poland under an independent Sovereign, as it existed previous to the first partition, to the accomplishment of which arrangement, if it shall be acceptable to the Emperor, Austria and Prussia, are ready to make the requisite sacrifices.”

But if the Emperor of Russia should reject these propositions, he had the choice of two others of a very modified character; and in the event of his refusing these also, then the Plenipotentiaries reserved to themselves the right of falling back on the first, which they considered the best—namely, the reconstruction of the old Polish kingdom. But the Emperor peremptorily rejected every one of those propositions, and then Lord Castlereagh found himself abandoned by his feeble colleagues. On the 22nd of January he wrote to Lord Liverpool that they had ceased to oppose themselves to the projects of Russia, and the Congress became, as he had predicted, the scene of discordant intrigues and a lawless scramble for power. He told Lord Liverpool that Austria and Prussia were devoting all their energies to intrigues for their own aggrandisement in other directions, and the complete and final triumph of Russia was attested by the signature of England being, along with those of Austria and Prussia, affixed to the arrangement which they had all three denounced as fatal to

Europe. But Lord Castlereagh did not take leave of Congress without placing on record, with a force and presence which must now astonish us, his views as to the inevitable consequences. In a circular note to the Plenipotentiaries of the Conference, dated January 12, he writes thus —

“Experience has proved that it is not by counteracting all their habits and usages as a people, that either the happiness of the Poles or the peace of that important portion of Europe can be preserved. A fruitless attempt, too long persevered in by institutions foreign to their manners and sentiments to make them forget their existence, and even language, as a people, has been sufficiently tried and failed. It has only tended to excite a sentiment of discontent and self-degradation, and can never operate otherwise than to provoke commotion and to awaken them to a recollection of past misfortunes.”

Is that a prediction in 1815? Is it not rather history in 1863? Is it not, without the change of a word or syllable, as faithful a description of events in Poland during past years as any of our contemporaries could write. I have not mentioned France; but Prince Talleyrand, on the 13th of January 1815, wrote thus to Lord Castlereagh —

“Vienna, Jan. 13, 1815.

“Your Excellency knows that France shared the wish of Great Britain for the re-establishment of the kingdom of Poland in a state of perfect independence.”

Thus you have Austria, Prussia, France, and England agreed that the re-establishment of Poland in the same condition as previous to the first partition was not only practicable, but essential to the safety of Europe. To be sure, we are told that that is fifty years ago; but though that is but a short space in the life of nations, it has more than sufficed to test the wisdom of those days. And when we find every prediction of evil fulfilled — that Poland has only changed from bad to worse — that she has been a standing reproach and growing difficulty to Europe, so that the Powers of Europe parties to the Treaty of Vienna are now brought together again to deliberate on that, which every one knows to be a failure, I say that the earnest but disregarded warnings of Lord Castlereagh, instead of being weakened, gain strength and authority from time, and solemnity from grave events. I will detain the House by reading one more extract, in order completely to lay the foundation of the discussion we are now about to engage in. I wish the House to observe what were the grounds of that

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apprehension which so excited the minds of the plenipotentiaries in consequence of the encroachments of Russia. The following passage occurs in Sir J. McNeill's work on the Progress and present Position of Russia in the East: —

“A reference to the map will show that Russia, since 1772, has advanced her frontier in every direction. . . . It will be seen that the acquisitions she has made from Sweden are greater than what remains of that ancient kingdom; that her acquisitions from Poland are as large as the whole Austrian empire; that the territory she has wrested from Turkey in Europe is equal to the dominion of Prussia, exclusive of her Rhenish provinces; that her acquisitions from Turkey in Asia are equal to all the smaller States of Germany, the Rhenish provinces of Prussia, Belgium, and Holland, taken together; that the country she has taken from Persia is about the size of England; that her acquisitions in Tartary have an area equal to Turkey in Europe, Greece, Italy, and Spain; and that the territory she has acquired (since 1772) is greater in extent and importance than the whole empire she had in Europe before that time. During the same period (since 1772) her empire in Europe has been nearly doubled. She has advanced her frontier 850 miles towards Vienna, Berlin, Dresden, Munich, and Paris; she has approached 450 miles nearer to Constantinople; she has advanced to within a few miles of the capital of Sweden, from which, when Peter I. mounted the throne, her frontier was distant 300 miles. Since that time she has stretched herself forward about 1,000 miles towards India, and the same distance towards the capital of Persia. Every portion of these vast acquisitions, except perhaps that in Tartary, has been obtained in opposition to the views, the wishes, and the interests of England.”

And all this by the stealthy workings of a traditional diplomacy, which coils itself round every neighbour whose propinquity had doomed him to be a victim. I know there are some who say that since then the strength of Russia has considerably diminished, relatively to the other Powers of Europe. That is the result of a very superficial view. We must remember that the material resources and military strength of the other Powers have been developed and enlarged by the construction of railways. If Russia had had a railway in the Crimea, Sebastopol would not have fallen. If she had proper railway communication with Poland, the insurrection would not have held out a month. Distances are the weakness of Russia; but in a short time, when a system of railways has annihilated distances, as it has done in other countries, there is no reason why Russia should not become more formidable than ever. The Emperor of Russia, as we have seen, unfortunately gained his point in 1815, and the consequences have proved exactly

as predicted. The relations of Austria and Prussia with Russia from that day ceased to be those of independent States. For although by courtesy they are still ranked among the five great Powers, there have, in fact, been only three great Powers in Europe since that time. Russia, the patron and protector of two of them, has carried their proxies in her pocket, and they sank to the status of despotisms of the second class, always at war with their own subjects, ever intriguing against and tormenting each other, but exercising no influence on great European questions, except of that perplexing and noxious character which was exercised by Austria during the Crimean war, oscillating between two sides, honestly assisting neither, and seriously aggravating the calamities of both. The truth of the second prediction, of the incompatibility of two opposite systems of Government among the same people, was proved by the insurrection of 1831. The correspondence relating to that event affords a curious illustration of the tendency of history to repeat itself; for if we transmute the dates, the events of one of those periods tell the history of both; and this it is which imparts so peculiar and grave a responsibility to the present proceedings of our Government. Never was there a diplomatic path so plainly beaten and trodden before them. There never was a difficult and dangerous navigation more accurately sounded, with every rock and shallow designated on the chart. Not one single new difficulty has arisen. The old course was so plain that the blind might almost steer through it. Let us recall for a moment the events of 1831, and see how completely they furnish a guide for the present year. What was the cause of the insurrection of 1831? It was provoked by the cruelty and illegality of the Russian Government. How was it brought under the notice of the English Parliament? By a Motion of my hon. and gallant Friend the Member for Westminster, calling the attention of Government to the conduct of Prussia, who was making herself a party to the war, and hunting down the Poles for Russia. What was the next remarkable event connected with those transactions? An invitation from France for a joint interference on behalf of the Poles. And how was that invitation received? It was declined by us, but the right of the Poles to claim the protection of England was fully admitted, and the Government protested in the strongest

terms against the conduct of Russia, and called on the Emperor to fulfil the obligations he had contracted under the Treaty of Vienna. How did the Emperor meet that? By the bold assertion that the Poles by insurrection had forfeited every right, and thenceforth Poland ceased to be a kingdom, and was incorporated into a Russian province. Did that plea satisfy the British Government? By no means. The Emperor was reminded by Lord Palmerston, then Secretary of State, that the engagements he had contracted were not with Poland, but with Europe, and that it was idle to pretend that he could excite the Poles to rebellion by trampling on their constitution, and then take advantage of his own wrong to annul that constitution. The Russian Minister, being hard pressed by the noble Lord, waxed indignant. He replied by utterly repudiating every obligation under the Treaty of Vienna, and asserting his master's absolute title to Poland by conquest, and not by treaty; and he endeavoured to close the correspondence by this somewhat startling and arrogant assertion of the Emperor's rights, intended to be final. It was thus that Count Nesselrode, in 1831, wrote to the noble Lord: "The Emperor is fully determined to admit no further intervention on a question which concerns himself exclusively." He then goes on to explain the abrogation of the constitution, which he declares "for fifteen years had kept alive among the Poles that discontented and turbulent spirit which on the first spark kindled into open rebellion;" and then endeavoured to close the mouth of the noble Lord by this message, conveyed to him at the close of the same despatch—

"His Imperial Majesty trusts that these assurances will be satisfactory to the British Government, and that this is the last time he will be called on to give explanations on a subject which concerns himself exclusively."

The mouth of the noble Lord was not, however, so easily closed. He hung on the skirts of His Imperial Majesty for six months longer, and when he took leave of him was careful to have the last word. And now I must call the attention of the House to the noble Lord's last word. But I ought to mention that Lord Palmerston had been advised by our Ambassador at St. Petersburg that remonstrances that were to end in words, instead of being an advantage, were highly injurious to the Poles, because they irri-

tated the Emperor into greater severity and cruelty, in order to show his disregard and independence of England. And Lord Palmerston put on record his other reasons for allowing the subject then to drop, as follows:—

“If the view which Her Majesty's Government takes of that question had been shared by Austria and Prussia, as it was by France, the representations of the four Powers would have been attended with success: but Austria and Prussia having concurred with Russia in her interpretation of the Treaty of Vienna, and having approved of the changes which the Russian Government proposed to make in the Polish constitution, it was evident that the remonstrances of Great Britain and France could not be effectual unless they had been supported by a threat of war—a threat to the execution of which so many obstacles were opposed both by the general state of Europe and by the negotiations in which, in concert with Russia, Great Britain has been, and still is, engaged. In advertg, therefore, to the affairs of Poland, great delicacy and caution will be required. It would be inconsistent with the power and dignity of the British Empire to insist too strongly upon points which, from the considerations stated above, it might be inexpedient, if not impossible, to enforce by arms.”

So far, therefore, as the diplomatic transactions of that year went, France and England sustained a great defeat. The Emperor had put his own construction on the Treaty of Vienna; he had repudiated every obligation to Europe; he had destroyed the nationality of Poland, had absorbed it as a Russian province, and had informed the Ministers of France and England that he expected it was the last time they would meddle with what was in no way their concern. Lord Palmerston, protesting against all this, was, nevertheless, obliged to submit for two reasons:—First, because England was not prepared to enforce her demands by war; and secondly, because remonstrances without war only called down greater calamities on the Poles. And this unhappily was too soon verified; for no sooner was the war over, for the termination of which, and the retirement of the French and English Ministers from the field, the Emperor assured them he was waiting to show the full extent of his benignant feelings towards the Poles, than one of his first acts was to issue that decree, which has lately been extracted and published from the Russian archives by Mr. Edwards, and which decree the Emperor corrected and enlarged with his own hand before he signed it, by which the almost incredible number of 45,000 Polish families—not individuals, but families—were at one fell

swoop carried off from their homes to the desert and the mine. In 1831, therefore, our diplomacy was singularly unsuccessful, and calamitously so for the Poles. But no one could find fault with it on that account. Lord Palmerston avowed that he wrote those despatches under the obligations of a duty imposed on him as the Minister of a nation peculiarly responsible for the condition of Poland under the Treaty of Vienna. That treaty was Russia's sole title deed to Poland; it was equally Poland's charter of nationality and freedom. And as England was the leading Power at that Congress, and as such in a great degree responsible for the placing of Poland under the keeping of Vienna, so was she to a like degree responsible for the fulfilling or exacting of the conditions to which she had set her hand and seal. And therefore, not as a matter of choice, but as an imperative and solemn duty, from which it would have been base in England to have shrunk, Lord Palmerston, as Minister of England, called on the Emperor to redeem the pledges by which he had acquired his title. And this duty the noble Lord discharged in a series of despatches so sound in spirit, so clear in argument, so unanswerable in their conclusions, that at this day they furnish a textbook for European statesmen on the Polish question. But the noble Lord was obliged to succumb, as we have seen, for two reasons, which cannot be too carefully kept in mind for their applicability to current events—because England was not prepared for war, and because remonstrances without war were disastrous to Poland. And it is but justice to the noble Lord to say that from that date his conduct in regard to Poland has been entirely consistent with the conclusions he then avowed, for he has refrained from countenancing those cheap demonstrations of popular sympathy with the Poles which have so often hurried them to destruction. Such were the transactions of 1831, of which, as I have said, those of the present period are merely repetitions. For, as in 1831, the insurrection had been provoked by the cruelty and illegality of the Russian Government; as in 1831, it was brought under the notice of the English Parliament by Members indignant at the conduct of Prussia, who was making herself once more the executioner of Russia. And, as in 1831, we received an invitation from France for joint intervention on behalf of Poland, which again, as in 1831, was declined. And this brings us ex-

actly to the position in which we left the question in 1831. If we were to adhere to the policy adopted in 1831, here was the point at which to make our stand; or if we were to abandon that policy and adopt a new one, here was the point of divergence. In February we had the choice of two answers to give to the appeal made to us by Poland. We might have said, "We can't help you; we tried in 1831, and failed. We found that diplomacy, without war, was derogatory to England and injurious to Poland. England will not now go to war for Poland, and therefore we refrain from raising hopes which can only end in disappointment and distress." That was language which the Government might have used; it was language for which the country was prepared, and which, as a necessity, though a painful necessity, it would have unanimously supported. Or the Government might have held this language—they might have said—"Circumstances are changed, and our policy is changed with them. We offer you now the warmest expressions of our sympathy; but we do so not in words only, because we are prepared to follow them up by acts; and strong though your oppressor be, we will compel him to fulfil the conditions under which we surrendered you to his cruel keeping." Either of these courses the Government might have adopted. Either of them would have been intelligible and consistent, but no middle course could be consistent or intelligible, or even safe. Have the Government adopted either? We know they have not adopted the first, because diplomacy has been renewed, and therefore they have abandoned the position they took up in 1831. Have they adopted the other policy indicated by the noble Lord, that England should not again speak unless she was prepared to strike? That were a bold policy, somewhat hazardous, very responsible, and calculated to try the mettle both of the Government and of the nation; but is it or is it not the new policy which the Government adopted when the old one was discarded? I have my own decided opinion upon that point, but will let the despatches tell their own story. The precedent of 1831 was for some time longer punctiliously adhered to. The Government determine once more to protest and appeal to Russia to respect the Treaty of 1815, and the noble Lord at the head of the Foreign Office could be at no loss for the best form in which to convey that determination to the Russian Government. He had only to look in one of

the pigeon-holes at the Foreign Office to find the excellent despatch of his predecessor in 1831, which had to be but slightly corrected and re-copied, and sent off to Lord Napier, at St. Petersburg. Prince Gortschakoff was as little at a loss where to find an answer. He also had his pigeon-hole, whence he could draw Count Nesselrode's reply of 1831, which was dusted and deciphered and discharged at Baron Brunnöw in London; and so the old controversy as to Congress pledges, treaty rights, and rebellion forfeitures was revived and carried on, with all the changes rung on it, till both pigeon-holes were exhausted—the first part of this correspondence closing, as it has done in 1831, with a polite request from the Russian Minister to the English Secretary of State that he would have the goodness to attend to his own business, and put down cosmopolitan revolution at home, instead of encouraging it abroad. So far the noble Lord at the head of Foreign Affairs had taken little by the renewal of correspondence. He found himself landed exactly where his chief had been landed thirty one years ago. He had emitted some animated despatches, which had every merit save originality, and he had experienced what, freed from diplomatic ambiguity, must be termed a polite but most unquestionable snubbing, which his chief could also tell him was entirely devoid of originality. Meanwhile, Russia, thanks to English diplomacy, was more exasperated than ever, and every unhappy Pole, thanks again to English diplomacy, fought with a rope round his neck, twisted more remorselessly than ever. And now, I say, the House has a right to ask whether all this is English policy, or is it Ministerial levity. It must be one or the other. If it be levity, after the experience of 1831, does it not amount positively to a crime? Do we accuse the Government of that? Do we suspect them of it? No; I am glad to say that a closer inspection of the despatches furnishes evidence of a meaning and a design sufficient to acquit the Government of levity at least, and to warn us that any danger to be apprehended, if danger is to be apprehended, approaches from an opposite direction. And here the despatches suddenly assume another and a far more serious character. Joint intervention with France had been declined, prudently and properly, in February; but the British Government did not refrain from taking action nevertheless. They then adopted a proceeding which, if it were part of a settled and deliberate



policy, as I now believe it to have been, was the most judicious and effective they could have adopted, and by which an entirely new aspect was given to the Polish question. They addressed a circular to all the Powers that had been parties to the Treaty of Vienna, inviting them to address separate communications to Russia, and suggesting that those communications should bear the same spirit and character as the communication that had already been addressed by England. As this is the most important part of the whole correspondence, and, in fact, is the turning-point of the policy of the Government, I will, in order to prevent any possible inaccuracy on my part or misapprehension on the part of the House, read the circular to which I have referred. On the 22nd of April 1863, Earl Russell writes to Lord Cowley as follows :—

“ Foreign Office, April 22, 1863.

“ I have to acquaint your Excellency, in reply to your despatch of yesterday, that Her Majesty's representatives at the several Courts in Europe will be instructed to communicate to the Governments to which they are accredited a copy of my despatch to Her Majesty's Ambassador at St. Petersburg on the affairs of Poland, dated the 10th of April, and to request them to give instructions in a similar sense to their respective representatives at the Court of Russia.”

And in the circular enclosed there occurs this paragraph—

“ You will communicate a copy of this despatch to the Government to which you are accredited, and invite them to make a communication of a similar tendency to the Russian Government.”

This brings us to the most interesting point in all these negotiations, from which the policy of the Government takes a new departure, and at which the real character and aim of that policy break upon us. We have now a combination and a movement. The Powers that were parties to the Treaty of Vienna, having taken counsel together, are to address simultaneous communications to Russia, and these communications are to be in the same sense and of the same tendency as the communication already addressed by England. We have now only one further point to ascertain in order to see where we stand—what had been the sense and tendency of that English communication that was suggested as a model? For the House will agree with me, that in the concert thus established, and in the language held to Russia after that concert was made known, we shall find—if we are to find it anywhere—a key to the real policy of the Government. The despatch that Earl Russell mentions is a despatch of the 10th

of April; but in the blue-book there are two despatches dated the 10th of April, No. 138 and No. 140. The first is the one mentioned by Earl Russell; but as the second is only an explanation of the first, they may be taken together as one despatch. Though the despatch is dated the 10th of April, it was written on the 9th, and on the 9th a copy of it was sent to Lord Cowley in Paris. On the 9th, also, Baron Brunnow saw Earl Russell, and asked him to explain the character of the despatch on the point of being sent off. Lord Russell explained it in a long conversation, and the second despatch was written in order to narrate to Lord Napier that conversation. The second despatch, therefore, is an explanation of the first, and the House will observe they are written on the same day, are transmitted by the same courier, are printed on the same page of the blue-book, and the second is avowedly an explanation of the first; and so, as I have said, they may be taken as one despatch. And now I beg the House to turn with me to that despatch No. 140. I confess I read it with an astonishment which no words of mine can express; I was not prepared for it by anything that had transpired in the course of the negotiations; but after reading that despatch, I could no longer doubt that the Cabinet had a policy, and one, too, which had imparted to the Polish question such proportions that it could never again be evaded or postponed. Writing to Lord Napier on the 10th of April, Earl Russell says—

“ I had a long conversation yesterday with Baron Brunnow, some parts of which were of much interest. . . . Baron Brunnow asked me some questions as to the nature of the representations about to be made at St. Petersburg; and when I told him that the despatch of Her Majesty's Government was chiefly founded on the non-observance of the stipulations of the Treaty of Vienna, he expressed some satisfaction that we still founded our demands on the basis of that treaty. But there was one question he felt he was entitled to ask, and that was whether the communication Her Majesty's Government were about to make at St. Petersburg was of a pacific nature. I replied that it was, but that as I did not wish to mislead him I must say something more. Her Majesty's Government had no intentions that were otherwise than pacific, still less any concert with other Powers for any but pacific purposes. But the state of things might change. The present overture of Her Majesty's Government might be rejected, as the representation of the 2nd of March had been rejected by the Imperial Government. The insurrections in Poland might continue, and might assume larger proportions; the atrocities on both sides might be aggravated and extended to a wider range of country. If in such a state of affairs the Emperor of Russia were to take no steps of a conciliatory nature, dangers and

complications might arise not at present in contemplation."

There is here not only a vision of war, but it goes to show also a vision of something that might happen after war. The despatch goes on—

"Baron Brunnow said he could not call our former despatch an overture. The intentions of the Emperor towards Poland were most kind and benevolent. But there were projects afloat for altering the map of Europe. In these projects compensations to Russia were included. Russia entered into none of these projects; she wanted no compensation; she held by the present territorial arrangements of Europe, and he (Baron Brunnow) trusted Great Britain would do so likewise. I said it was the wish of Her Majesty's Government to do so. But Russia herself had in some cases been active in proposing and carrying into effect territorial changes."

And now I ask the House, how were foreign Cabinets to interpret the sense and tendency of that despatch? Was its sense entirely pacific? Was its tendency to stop short at diplomacy, or to go beyond it? Did it not imply that we began with diplomacy; but that if diplomacy failed, there was something behind of which we warned Russia to beware? There is not a sentence I have read which does not combine very mild professions of peace with unmistakable indications, not of contingent war, but of war, predetermined and inevitable, under certain contingencies, every one of which has come to pass. The noble Lord says, in effect—"Our present communication is pacific, but I warn you not to be misled by that. We have no concert at present with foreign Powers for purposes of war; but the state of things may change. We have no wish to curtail the territorial limits of Russia, but Russia herself has set us an example of which we now significantly and ominously remind her." Sir, I quite believe the noble Lord, when he tells Lord Napier that Baron Brunnow found that conversation very interesting. I should think a conversation that began with the threat of a Russian war, and ended with the hint of a Russian dismemberment, must have been, to a Russian Minister, one of the most interesting conversations in which he ever found himself engaged. And Baron Brunnow must have been particularly struck with those portions of the noble Lord's discourse that were preceded by the monosyllable "but." The first half of every sentence was reassuring and comforting enough; but the last half, following that oft-recurring and most portentous monosyllable, was such a condensed volume of eventualities and

warnings, conveyed in a tone of such earnest but calm severity, as must have left on the mind of the Russian ambassador a profound impression that Poland had become a question on which neither the English Minister nor his country could be longer trifled with. But that is not all. The despatch is grave enough, but its gravity is immensely increased by its immediate publication. It is transmitted to St. Petersburg in the second week of April, and in the course of the same month, before the answer is received, it is placed in the hands of the Parliamentary printer, and published to England, to Poland, and the world. Now, Sir, let us not attempt to shut our eyes to the real character and consequences of that proceeding. The Government cannot ignore them—they do not wish to evade them. By the early publication of their despatch they challenge our opinion upon it. Well, how are we to answer that challenge? We can only answer it in one way. We must assume—as, dealing with a cabinet of sagacious and experienced statesmen, we are bound to assume—that the effect inevitably produced must have been the effect intended. It would be an insult to their common sense to impute to them what would be otherwise so palpable and puerile a blunder and so prolific of mischief. Can we doubt, then, what must have been the effect of that despatch abroad, and what must have been its influence on the feelings and conduct of those who were watching with the most intense anxiety for every word spoken, every line written, every sign given by the English Government at such a moment? I have no hesitation in declaring my conviction that in Poland and out of Poland, everywhere among her friends, this combination against Russia must have been rejoiced at as the greatest diplomatic victory ever achieved over a Russian Government. It accomplished in their eyes one universal condemnation of the cruel and aggressive policy of Russia; and it proclaimed as general a determination to call her to account. There cannot be two opinions about it. That judgment of Russia by the voice of every free State in Europe was pregnant with a meaning that must have struck home to every Russian and Polish understanding. To Russia it was the handwriting on the wall. To Poland it was the bow in the heavens; and many a broken-spirited Polish exile, who had never suffered himself before to see a gleam of sunshine through the dark vista of the future, must have felt his heart leap within him at the success of that move-

ment, initiated by England, by which, in every Cabinet of Europe, this down-trodden, dirt-trailed question of Polish nationality, derided as the cry of the fanatic or the dream of the visionary, became exalted into a real, practical, pressing, statesman's question, admitting but of one solution, which should combine the regeneration of Poland with the upraising of a strong bulwark against the much-dreaded, and what, after the proceedings of General Mouravieff, I do not use too strong a phrase in terming the brutalizing encroachments of Eastern barbarism. And that I conclude must have been the deliberate intention and settled purpose of the Government. But an inquiry then arises in the mind of every dispassionate and reflecting man—How does all this tally with your pacific policy of 1831? To what does this new policy tend, and what is its justification? Is it not strange that England, the most constitutional and conservative of peaceful States, should in a time of profound tranquillity and with reference to events on the Asiatic frontiers of Europe, initiate a movement which may endanger the general peace? And stranger still, how is it that the noble Lord who sent the question to sleep in 1831 should be the Minister to wake it up now? No man so well versed as he in the complications and perils of the Polish question. He is the official link between the three great historic events embraced in these despatches—the living witness of the calamities which he, in vain, endeavoured to assuage, for he alone may explain of them—

“—quæque ipse, miserrima, vidi,  
Et quorum pars magna fui.”

For even at the period from which these despatches took their rise in 1815, he, the Jupiter of the War Office, launched the thunders by which the atmosphere was cleared for the Congress to meet and dispose of Poland. Again, in 1831, directing our foreign administration, he shone the impersonation of the British lion, that only ceased to roar when it was not allowed to fight. And now in 1863, when Poland once more knocks at the Cabinets of Europe, it is the Nestor of diplomacy who shows her in; and he, the veteran statesman, in whom experience has ripened caution—who is deemed the foe equally of revolution and of despotism—he it is who, apparently flinging aside his peaceful policy of 1831, invites the Powers to combine and summons Russia, almost with the trumpet of war, to stand at the bar of Europe. It is said that wonders never cease; neither do they,

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except in one sense, that they cease to be wonders when, tested by a very easy analysis, they prove to be the simplest operations of Nature's first and most immutable law of cause and effect. The problem of the changed policy of England under the noble Lord's direction is very easily solved if we seek the solution in the proper quarter. It is not to be found in these despatches. But if we cast our eyes abroad and mark the transitions which Europe has been undergoing during the present and the last generation, we shall find, that although the events of 1831 have been repeating themselves now, yet all the accompanying and surrounding circumstances are so changed; the condition of States and of Governments, and their relations to each other have been so completely metamorphosed, that what would have been Quixotic thirty years ago may have become a very rational and sober enterprise at the present day. For example, in 1831 the partitioning Powers, the despots of the North, were fast friends and sure allies; and it was before the attitude they then presented to Europe that, as the noble Lord told us, England and France were compelled to fall back. But since then those changes have occurred which place the present policy of the Cabinet entirely into harmony with the policy of 1831. That Holy Alliance is dissolved; Austria is detached; Prussia is divided within herself, if, indeed, you can call that a division where you have on one side a nation and on the other a King, of whose abdication any telegram may bring the news. Again, in 1831 Russia was a colossal Power, invulnerable from without, full of health and solidity within, with a countless army in the highest state of efficiency and discipline, with a powerful fleet, a devoted population, and, what the Chancellor of the Exchequer can appreciate, a flourishing finance. But all this is now, for a time at least, changed. That army has been shattered, and is now demoralized; that fleet is gone; her people are in the throes of a social convulsion, and her finances are embarrassed and disordered. Again, in 1831 Poland, though agitated and excited, was not united. The insurrection was an insurrection of the nobles; but this war takes its rise with the urban population. It is the middle class, on whom the conscription chiefly fell, who, throwing themselves into it as to them a matter of life and death, are imparting its desperate character to a war in which the Cossack shows no mercy, and the Pole accepts no quarter. The movement is national, and the bond of strength and union is nation-

ality. Again, in 1831, that experiment of constitutionalism in Poland and despotism in Russia had had a comparatively brief trial. But now, after half a century has elapsed, the experiment has proved a failure, and the Powers of Europe, which were parties to that experiment, self-convicted of injustice, are once more brought together by their conviction of an imperative and pressing duty, not in the interests of humanity and justice to Poland, but of the general peace and safety of the world, to correct the errors of 1815. And if that combination holds together, and is well directed—and all that I believe depends on England—if those Powers are true to one another and to themselves, it is manifestly impossible for Russia to attempt to make head against it. In a good cause, no doubt, Russia might defy almost any combination, and a devoted and patriotic people would fight hard and long before they would submit to what they might deem dismemberment. But here Russia has a very bad cause, in which she quibbles away treaties in the spirit of an Old Bailey practitioner after having fastened herself on Poland as a garrotter. It is the law, the justice, the morality of the case, that are more formidable to Russia than any armaments; and, in expiation of such a crime as hers, Russia, after a century of triumphant wrong, overtaken by justice, has no alternative; she must bend, bow, prostrate herself, if need be, in sackcloth and ashes, not before the armies of Europe, but before that stronger and more resistless power, which is the birth and glory of our age—that great tribunal of opinion, before which despots quail and armies disband themselves, or take to flight. And, Sir, that Russia has quailed is shown even by the time she has taken to deliberate on these humiliating six points. Never was there, so far, a diplomatic triumph more complete. Never had sound, bold statesmanship a better vindication. Russia has shown that she trembled before the Europe she defied. The Powers had but to act honestly and vigorously together to impose their own law and to be obeyed. And all those political outrages that Europe has viewed with sorrow and indignation—the Partition of 1772, the spoliation of 1774 and 1794, the overbearing aggrandisement of 1815, the faithless and lawless absorption of Poland in 1831—all were gathering to retribution. For Russia, isolated by the wise policy of England, and confounded by its boldness, without an ally or sympathy or friend in Europe, what alternative had she but to submit? But I am mistaken.

Russia had a friend, and though not a very sincere or disinterested one, still a very timely friend, that stepped in at the critical moment, to rob Europe of the fruits of this wise policy, and secure for Russia impunity for the past, with undisturbed present possession and invigorated future opportunities of consummating her worst designs. The Governments, combining against Russia, have left the direction of events to three Powers—as a sort of committee of Powers—to France and England as great and strong Powers, and to Austria as a Power whose geographical position and peculiar interests give her an exceptional importance. But it is on England that the whole responsibility of guiding that triumvirate devolves, for England stands midway between the dangerous activity of France and the no less dangerous uncertainty of Austria; and the colleagues for whose good conduct England is thus made answerable are the antipodes of each other in their character, their power, their policy, and their relations, and antecedents to Poland. France has ever been the friend of Poland. The restoration of Poland is the traditional policy of France, and the present Emperor has an opportunity and temptation such as France never had before; and he is not a man to throw it away with all France at his back and Europe on his side. It is by his energetic use of opportunities that in fifteen years he has raised France to the foremost place in Europe. He has proved himself before the world a man of great capacity and courage; and whether in the crisis of revolution, in the shock and smoke of battle, or when sauntering at mid-day in his own peaceful capital, an easy mark for an assassin, he has shown himself a man of a fearless heart and a sagacious head; and he guides the fortunes of a nation that has many noble and generous sympathies with England and with Poland. Austria, on the other hand, so far from being the friend, is the despoiler of Poland; she gained Galicia by a robbery in 1772, and retained it by a massacre in 1846; and when she professes now to march with France and England in the cause of justice and freedom, she has not only her antecedent history to redeem, but her current actions to confront. Unhappily, it is too notorious that Austria has been, for the greater part of this century, the chief sinner against the liberty and enlightenment of Europe. Italy, Hungary, Poland, have been the theatre of her crimes. Every petty tyrant in Italy scourged and persecuted after her example. The

Neapolitan dungeons steamed with the victims of the policy she directed. All the worst abuses of the Papacy were perpetuated under her protection. Her political history is the blackest in Europe; and it seems only the other day that her generals could not even walk our streets in safety, so much did the misdeeds of Austria stink in the nostrils of Englishmen. And this is the Power that is now claiming an equal voice in council with France and England in the cause of justice and freedom. But we are told all that is changed now. Austria has become liberal, and our Foreign Secretary tells us that the Government of Austria is a wise Government, and overflowing with sympathies for Poland. Well, then, why does she not give more play to her sympathies nearer home? Has she not in Venetia a Poland of her own? and if there are not outbreaks and massacres there, is it not that the repressive system is so complete that resistance is killed down—the spirit surviving, but the power utterly dead. Austria, we are told, is anxious to give a national representation to Poland—then why does she withhold a national representation from Hungary? [Mr. ROEBUCK: Hear, hear!] My hon. and learned Friend is mistaken. Austria does not give Hungary a national representation. Hungary asks for a national representation, but Austria insists that the Hungarian deputies shall go to Vienna and join the Reichsrath. Again, we are told that Austria is penitent for her past sins in Italy—then why does she not recognise the new Italian kingdom? Let me tell my hon. and learned Friend, that as long as Austria continues to play the tyrant and tormentor wherever she has the power to do so, we are driven to the conclusion that she cannot be the sincere friend of Poland, nor can she be the political associate of England; and the only terms even of a temporary alliance must be that Austria must follow, not guide France and England; she must obey, and not pretend to dictate. For we in England know very well that on this question of Poland she can have no free action, apart from the Western Powers; for if she were to break off from France and England, and dare to declare herself for Russia and against Poland, that moment there would be revolution in her provinces, and dismemberment of her empire. Well, Sir, Austria was unfortunately admitted to an equal voice in council, although she had been the accomplice of Russia in the partition of Poland, and the first duty the three

allies had to discharge was to prepare a joint reply to the notes of Prince Gortschakoff, communicated in the beginning of May. But that was more easily said than done, because Prince Gortschakoff, who appears a better letter-writer than all the triumvirate combined, had thrown a shell into the camp of the allies by saying "You base your communication on the Treaty of Vienna. I am ready to give you, so far as is consistent with my construction of the treaty, everything you want, only be kind enough to tell me what you do want." But this was exactly what they could not tell him, for they all want something different, and they took seven weeks to reduce their differences to agreement. Not but that France and England, who had clean hands with regard to Poland, could have agreed on something just and sensible in twenty-four hours, but Austria could not be got to make up her mind to anything just or sensible, and so France and England consumed seven weeks—weeks of calamity to Poland and precious time lost to Europe—in pulling and tugging at Austria to get her on; and when at last Austria's courage is screwed up to the sticking place, we are blessed with the fruits of her combined wisdom and audacity in these six points, and six precious points they are. For what do they propose? Nothing more nor less than a complete and permanent and to all parties satisfactory settlement of every Polish difficulty—by what? By reviving that exploded hypocrisy of 1815, to which Lord Castlereagh had too much manliness to accord the decent term of compromise; but which he denounced as a gigantic fraud and outrage, which the overbearing ascendancy of an unscrupulous will had imposed on the mean and abject instruments with which it had to deal. And if Lord Castlereagh pointed the finger of scorn at it in the presence of kings and emperors fifty years ago, when its calamities were matters of prediction, what must we think of its reproduction now after fifty years' experience of its desolating effects? But I pay it an undeserved compliment in terming it the constitution of 1815 revived. There might be some excuse in 1815 for saying that the seeming hopelessness of the task of administering an impossible constitution might be got over by the large discretion vested in a capable and sagacious ruler. But this constitution of 1863 is amended by altogether taking away that discretion. It is here reduced to a very stringent code under very precise heads. By a very

simple and summary process it relieves the Emperor of the responsibility of governing his own dominions. It assumes to do that which I venture to say was never attempted in the world's history before—to dictate to the haughtiest monarch in the world not only the principles, but the details of his internal administration. It prescribes the form of Government, the mode of appointing ministers independently of the Crown, the laws to be passed, the language to be spoken—nay, it even goes so far as to insist on the framing of red-tape regulations, under which a great military despot is to recruit his semi-barbarous armies. And all this is done with a pretended, for it cannot be a real, forgetfulness of the fact that every one of these stipulated provisions for the good government and happiness of the subjects of the degraded Emperor is directly at variance with the laws, and usages, and habits, which are the second nature of Russia—that they are directly in the teeth of the Emperor's repeated and emphatic declarations that he will suffer no interference with his own exclusive affairs—equally in the teeth of the sworn rejection of those conditions by the Poles—equally in the teeth of Lord Castlereagh's predictions fifty years ago, and of the experience of Europe during fifty years since, that all such arrangements are absurd, and mischievous, and delusive. Yet this is what the wise Ministers of Austria, after seven months of painful parturition present to the world; and ignoring the repugnance equally of Russia and Poland, ignoring the experience of Europe, ignoring past history and present events, as if these wise ministers had seen nothing, read nothing, heard nothing, during the last fifty years, they present for the sincere and honest acceptance of Russia, for the contentment of Poland, for the peace and credit of Europe, this mischievous combination of political imbecility and hypocrisy, of which it is difficult to say whether the Members of an English House of Commons ought most to regard it with shame or indignation. These six points have been not only prepared by the Austrian Government, but they have been approved by the Reichsrath as—what does the House think?—as the wisest and surest mode of maintaining the integrity of the Empire. But is there anything in the least degree practical about them? Have France and England adopted them as a practical mode of settling the Polish question? Why, as a practical solution of the difficulty, the Em-

peror of France would laugh at them, and I venture to predict that the noble Lord to-night will be ashamed to own them. Then it may be asked, how could France and England be justified in adopting these terms and submitting them for the acceptance of Russia. These papers, to any one reading them attentively, furnish an intelligible answer, and they bring out in strong contrast the attempt of Austria to cheat the Poles, and the determination of England to befriending them. These six points prepared by Austria we shall now see were in reality an act of hostility and treachery towards the Poles, under the guise of friendship, but their acceptance by England and the mode of their presentation to Russia were not only a skilful stroke of diplomacy, but as an act of statesmanship were not deficient in wisdom and justice, and good faith. The co-operation of Austria was of vital importance in these negotiations, and Austria, as the price of her co-operation, insisted upon the presentation of these points to Russia. And England and France seem to have perceived a mode of making the presentation of the six points to Russia answer the double purpose of securing the co-operation of Austria, and making that co-operation subservient to the wiser policy of France and England. The House has seen that the whole controversy of 1831 and of the present year between Russia and the British Government turned upon one point, whether Russia holds Poland by virtue of the Treaty of 1815, or by virtue of conquest in 1831. These six points prepared by Austria and revised by England, evidently tended to bring Russia to bay upon that issue, for it was plainly impossible for the Emperor to abandon the claim of conquest, so arrogantly made and acted upon for the last thirty years, without confessing before all Europe that he had been guilty of injustice and bad faith. The English Government had a right to think they were safe against such an act of self-inflicted humiliation. But at the same time, these instructions to Russia, or these mandates, as I may call them, almost in the form of an ultimatum, as to the internal government of Poland, were an assertion of that European sovereignty over Poland for which the noble Lord had so long contended. They declared, in terms too clear and strong to be mistaken, that the European Powers were the lords of Poland, and that Russia only held Poland in trust from them. These six points contained a recital of the condi-

tions of tenure, and they were served upon Russia as a necessary form, in what the lawyers would call a process of ejectment. But the English Government did not rely too confidently upon the rejection of these terms by Russia. They knew with whom they had to deal. They knew, that when these six points arrived at St. Petersburg, it might happen that Austria had been beforehand with them, and that the Emperor might have been made to see that the time was unfavourable for resistance; and that by temporizing and diplomatizing the pressure might be removed—the combination might perchance not hold together, the *entente cordiale* between England and France might be relaxed, or even political changes might take place in either country, or the internal difficulties of Russia might be diminished. Russia could, therefore, lose nothing by temporary concession; for if the Emperor were to accept the constitution, as he had done before, he would soon find a better opportunity to destroy it than he had done before. Therefore, when the noble Lord, three weeks ago, gave us an outline of the English despatch, it caused a feeling of apprehension, because it did seem, that if Russia were to accept these six points—which she might do by a dexterous, although dishonest move—England would be placed in a serious dilemma. She would be bound to accomplish two impossibilities. She must secure the acceptance of these points by Poland, or, in default of that acceptance, she must give her moral countenance and support to Russia; and in the second place, she must guarantee to Poland the faithful observance by Russia of those conditions in all time to come. It was manifestly impossible for a British Government to undertake such obligations, or for a British Parliament to sanction them. And I must confess that to me it was a matter of astonishment amounting to bewilderment, how the noble Lord, who for thirty years has given so much of his heart and head to Poland, could have incurred the danger of being placed in so grave a dilemma, if met by so obvious and transparent a manoeuvre. But now the mystery is cleared up. We have Lord Russell's despatch in *extenso*, and we find it contains a postscript, which the noble Lord did not allude to, and which is not to be found in the Austrian despatch. That postscript changes the whole character of the proposals, and leaves the English Government still in command of the situation. The English despatch does not limit itself, as the Austrian des-

patch was limited, to one demand upon Russia, but Earl Russell makes three distinct demands. He first demands the acceptance of the six points; next, the proclamation of an armistice; and thirdly, a conference of the Powers which signed the Treaty of Vienna. These two last requirements make the English Government quite safe. If Russia accepts those two conditions, in addition to the six points proposed by Austria, there would be no difficulty whatever in obtaining their acceptance, so far as it is necessary, by the Poles, because as to the six points it would be unnecessary for them to give any opinion until they had been submitted to the conference. The armistice, too, the Poles would gladly accept, not only to stop the effusion of blood, but because it would recognise them as a belligerent party; and the conference they have declared themselves ready to accept upon the single condition that the National Government of Poland should have a representative at the Congress. And this demand from the National Government raises the one question upon which the whole policy of Europe must now turn. The House now sees that the six points of Austria submitted to Russia in their nakedness would have been a delusion to Poland, and, if accepted by Russia, would have placed England in a dilemma. But the six points of Austria, with the addition of the two conditions insisted on by England, are a protection to Poland and still keep England on a vantage-ground. Russia, if she ever contemplated accepting the six points, is checkmated, because the acceptance of the Austrian points alone would profit her nothing, so long as France and England were unsatisfied. Now we have Russia's answer, and it is an unqualified rejection of everything which England has proposed. That brings the question, both on the part of Russia and of England to one plain, unmistakable issue, and the real question which we have to decide is reduced within the narrowest possible compass. We made the Emperor of Russia King of Poland under the conditions of the Treaty of Vienna. We recognise no title to sovereignty but what that treaty gives him; and if he is not King of Poland by treaty, he is not King at all. The Emperor, on the other hand, constitutes himself King of Poland by right of conquest, and by no other. He repudiates the title and obligations of the treaty, and, by his own showing, if he is not King of Poland by conquest, he is not King at all. Well, then,

no treaty title to sovereignty exists, because the Emperor contemptuously destroyed it thirty years ago, consumed it in the flames of his burning cities, and for that legal title he has substituted a spurious right of his own manufacture. And you, being men of peace and reason, submit it decorously to the Law Officers of the Crown; and what do they tell you?—that the title is bad, utterly worthless, and the Emperor is no more King of Poland by conquest than the Pope is King of Italy by marriage. What, then, is the result? There is no King of Poland at all, because the sovereignty by treaty was a forfeiture and an abdication thirty years ago, and the sovereignty by conquest is a violent usurpation consummating a fraud. And what can it profit us in such circumstances to talk of restoring the kingdom of 1815, with its 4,000,000 of inhabitants? Have not two classes out of three in the Russian provinces of Poland cast in their lot with it? Are not the landed proprietors and townspeople of Lithuania, of Volhynia, and of Podolia, as Polish as the Congress kingdom? and if advantages are given to the kingdom that are denied to them, will they not remain in a state of chronic insurrection? And can the Emperor accede to their demands? Can he draw a distinction between his Polish and Russian subjects, to the advantage of the former, which the latter will not resent? It was these considerations that made the statesmen of 1815 pronounce the new kingdom and its constitution a delusion, and it has ever since proved a political pestilence, decimating the inhabitants, and contagiously affecting neighbouring states; and, for my own part, I cannot understand how any man pretending to the character of a statesman can at the present day believe that the Polish question is to be settled by papers and protocols, which is nothing but an invitation to Europe to enter on a new series of evasions and impostures only to perpetuate confusion, calamity, and danger. But we may save ourselves all trouble in that way. The Emperor of Russia will have none of our Congress kingdom. He has told us what we all know to be true, that he cannot and will not rule Poland under a different system from the rest of his dominions; and you, the Ministers of England, have retorted by telling the Poles that they are justified in taking up arms against the Sovereign we gave them, and you have advised them to treat his amnesty with the same contempt as he did their constitu-

tion; and they have followed your advice. Well, then, how do you mean to follow it up? The Poles are fighting for nationality, and nothing else. You know that—you, who are proclaiming yourselves to the world as the instigators and advisers of the insurgent Poles—you know that they are fighting for nationality, and will take nothing less. Do you mean to give them that nationality? Do you mean now, when the Crown you made is vacant, when all lawful government is at an end, when the independence and nationality of Poland are proclaimed over a district half as large as the whole Austrian Empire, and when the war has assumed those proportions under your own instigation and advice, do you mean to apply to Poland the principle which you proclaimed in Italy—that a nation should be the sole judge and manager of its own affairs? That principle had not been brought to light in 1815, when crowned heads disposed of nationalities by divine right. Poland was then like Italy, treated as a chattel; but with this distinction, that Italy was made over absolutely to Austria, while Poland was only intrusted conditionally to Russia. You think that you have done a good work in Italy. The Chancellor of the Exchequer always refers to it with pride. He never loses an opportunity of attempting to further that work, which, unhappily, is not yet complete. He is proud of belonging to a Government that stepped in at the eleventh hour to secure Italy for the Italians. Well, it was a good work—and you deserved and have obtained lasting credit for it. Now, I see my right hon. Friend in his place to-night, and may I not ask him, has the champion of Italy no voice for Poland? Can he not tell us that Poland is a yet stronger case? For Italy, after all, was delivered by a foreign army—her nationality was guaranteed by no treaty—her citadels protected Europe from no barbarous invader. But Poland is indeed a theme to inspire the eloquence of a just and generous statesman, who unites a love of freedom with a respect for public law. For Poland—there is not a Minister on that Bench whose conscience has not long since whispered him, what, indeed, the conscience of every reflecting man in this House has told him—Poland is the ward of Europe; England is the legally-constituted guardian of Poland. England assumed, in 1815, to dispose of Poland's destinies, and placed her under the iron



heel of Russia. Poland's enslavement, then, was our blunder — her torments since have been our crime — her political extinction has been Europe's weakness, and her resurrection would be a safeguard and defence. And now, when after a century of unsuccessful conspiracies to crush her by dismemberments and confiscations, and banishments, and burnings, and massacres, crowned by this last unparalleled attempt at the midnight execution of a nation by penal conscription — when Poland, with an almost supernatural vitality, still survives, a standing rebuke to the folly and iniquity of the Congress which placed that cruel yoke upon her — and when she appeals to us, not the Poland of 1772, in whose sad debasement her doom was written, but the Poland of 1863, a nation in mourning for its past sins and sorrows, that for a century has been draining the cup of misery to the dregs — and when she now appeals to us, a suppliant for no favour, whining to us for no assistance, but demands, as one escaped from the grave, the enforcement of our own bond on which her national life is inscribed as part of the public law of Europe — how can we, I ask, reconcile it with any principle of justice, or morality, or any reverence for the source from which, as a Christian Legislature, we derive our sense of duty — how can we, without a fresh crime greater than any that have preceded it, deliver up the Poles once more into the hands of the oppressor, whom their experience has told them no oaths can bind to justice and no suffering can move to mercy? God forbid that by such a crime to Poland our Ministers should efface what they have done in Italy. No; let them rather recognise in Poland, as in Italy, an historic though fallen nation, purified by suffering, elevated to patriotism, taught by the past, aspiring to a new and better future; and as our Ministers gained credit to themselves, and did service to Europe by proclaiming Italy for the Italians, let us not be wanting now in the courage, the virtue, the wisdom to proclaim, "Poland for the Poles!" and so make some reparation for the wrongs of Poland by welcoming her once more into the brotherhood of nations as a new and hopeful element in the freedom and progress of the world. But, much as I desire this now, and ardently as I advocate it, in the position in which we find ourselves I should not venture to suggest anything so bold or what would lately have been deemed so visionary, if our Ministers had not led the way. I think the manner

*Mr. Horsman*

in which they have expanded an unavoidable, but embarrassing, alliance with France into a great European combination has been most able and masterly, but it leaves only one logical conclusion to be drawn from these despatches. The restoration of Poland in the eyes of all Europe, reading those despatches, must now be considered the adopted policy of the Cabinet, as it will speedily be the adopted policy of England, and the only remaining question is — can it be peaceably accomplished? That is a question to which the answer is not difficult, nor is it discouraging or unsatisfactory. Can, then, the restoration of Poland be accomplished without recourse to war? That depends entirely on the conduct of one Power — it depends upon Austria. It is Austria that has the peaceful solution of the difficulty in her sole keeping. Will Austria make restitution of Galicia? That is the question on which every other eventuality depends. If Austria will come forward now, and boldly, wisely, and honourably make restitution of Galicia, Prussia on the same ground must relinquish Posen, and the Kingdom of Poland is re-established without a blow. But, it may be said, "How can you expect Austria and Prussia to give up territory without equivalent?" Equivalent, Sir, what equivalent can they require for being placed in safety? From the frontier of Russia now to the capitals of Vienna and Berlin is a shorter march than from York to London. Is it no gain to a monarchy like Austria to have the frontier of Russia thrown back six hundred miles? Is it no gain to Austria to have her territory more guarded — her capital more secure — her commerce more freely and uninterruptedly developed, and the constantly-recurring dangers of an Eastern Question sensibly diminished? Why, the advantages to Austria, politically, commercially, nationally, from the removal of this Russian incubus are so great, that instead of haggling about equivalents she ought to be too grateful for being allowed to purchase them by the relinquishment of a territory acquired by such a crime. I believe there is no Government in the world so much interested as England in maintaining Austria as a strong power in Europe. But she can be strong only by being liberal and progressive. Poland now offers a golden opportunity to Austria to take the first great step to reconcile herself with progressive Europe and win the respect and good will of England

—for if she gives up Galicia, though her example may not shame her accomplices into a like virtuous course, it will be valuable to Europe as a lever with which to work out great results; and therefore I repeat, if Austria is now sufficiently alive to her real interests to take this first step and make over Galicia to Europe as the basis of a new arrangement, although much will still remain to be done before the work is perfected, still the first great barrier is broken down—Poland is inevitably established, and war averted. But if Austria refuses—what then? And there are some passages, I grieve to say, in these despatches that would prepare us for that refusal; and there are some other passages, I grieve still more to say, from which we might infer that the British Government would hold Austria justified in that refusal, and would countenance her in it; and so, I ask, if Austria refuses, what then? Would England draw back and adhere to Austria, and leave France to follow her own counsels? I am discussing eventualities for which these papers tell us we must be prepared, and I ask again, if Austria holds fast her gripe on Galicia, and thus forbids the only peaceful solution of the question, and if England falters by the side of Austria, what will France then do? Sir, no one can venture to foretell with confidence what the French Emperor may do, and for the best of all reasons—because he does not himself yet know; but that very uncertainty constitutes a danger. We all know, that when this war first broke out, it was his intention to do nothing. The press in Paris had orders to write down Poland, and to write up Russia, and the Poles were advised to throw themselves on the generous mercy of the Czar. So, when the war broke out, the English Government wished and intended to do nothing; and we do not blame them for that—the line of prudence was the line of duty. But we may remember that the noble Lord, who in 1831 so vigorously insisted that England had not only a right, but was under an obligation to interfere, did modify that opinion very much at the beginning of this Session, when he re-asserted the right, but denied the obligation. I refer to that only to show that there was no alacrity on the part of our Government to act. But public opinion showed itself too strong in France. The Emperor durst not disregard the opinion of France, and the English Cabi-

net durst not disregard the possible policy of the Emperor. They saw another Italy ahead, with another Savoy on the Rhine, and England once more consigned to the ignoble part she had then to play in Italy. No one can tell what opinion in France may require the Emperor to do. But is that a policy which we can leave to chance? Remember it was the English Ministers that kindled and fanned this flame. Europe would not have moved if England had not given the signal. All the most stable elements of French society waited for England before they threw themselves into the movement. And I beseech you also to remember that this is the one question that unites every party in France. There is a love of Poland which fought under Napoleon; there is a hatred of Prussia that rode rough-shod through Paris; and then there are all the subsidiary but powerful elements of religious sympathy, military glory, territorial gain, and the gratification of tearing still further the Treaties of 1815. But above all this, and stronger than all, is the feeling which I mentioned first, and which is most honourable to France—a real and genuine love of Poland, that will make a war for her deliverance a holy war, and that must and will rally the liberal sympathies of Europe to the champion who goes forth to battle in her behalf. And let us also remember that the combination which these papers proclaim has been England's work, and it gives England, that alone has the confidence of every Power, the command of the situation, if her Ministers can keep it. But if England abandons the lead, we may rely on it, that when the time comes, France will be compelled to take it. We know that the roll of the war drum is at this moment being heard in France, precisely as it was on the eve of the Italian campaign. We know that the Poles now have the same instinctive reliance on French aid which sustained and justified the Italians five years ago. And we have heard not a rumour merely, but as something apparently more authentic than mere rumour, that the Emperor of the French has already sounded the Italian Government, and has received for answer the offer of an army of 60,000 men. Will Hungary, when she hears that Austria pares down concessions to the Poles, lest they should be a precedent in Hungary, not send a similar response? And will the war-cry of Italy and Hungary fall on deaf

ears in Galicia? And then, with Italy, Hungary, Galicia in arms, on what part of the world's map shall we look for the great empire of Austria? But will these be the only allies of France? Sweden, with a good army and a fleet stronger than the Russian, is already moving. Denmark is full of sympathy for Poland. Finland has already half thrown off her allegiance, and Turkey, we know, is a sure ally. And behind all these—every one of whom feels its own safety involved in that of Poland—there is the strongest ally of all in the moral support and endorsement of their cause by every free State in Europe which the English Government has procured for them and proclaimed in these despatches. Now, let us be wise in time. England and Austria have still the power to retain France in a conservative alliance—safe and honourable to France and beneficial to Europe, and in which the loyalty of France need not be doubted. But if we are so insane as to throw France loose on other allies, she must invoke the elements of change and the passions of revolution; and the war-cry of nationalities, boundaries, treaties, and Imperial missions may light a conflagration in Europe of which England must remain a passive spectator, because her Ministers have laid the train; but after that conflagration who shall answer the question that so troubled the mind of Baron Brunnov—who shall foretell in what form the map of Europe may emerge? I warn you to save Europe from such a danger. I warn you to save France from such a temptation. It is evident that circumstances have given to England, on this question, a prominence which her Ministers have not sought, but which has been, to a great extent, forced upon them, but it may not be the less to their credit if they deal wisely with the difficulties which they have not created. But will they deal wisely with them? The answer to that inquiry can only be given by one man. The Polish question, as we have seen, is especially the property of the noble Lord. His spirit, the old spirit of 1831, unmistakably pervades these despatches; and it is therefore to the noble Lord we look to correct the feeble utterances and counteract the mischievous hallucinations of others in high places. A saying has been lately attributed to our Foreign Secretary of so ignominious a character that we, who have known him in this House, deem it to be incredible. It is, that however much the honour and interests of

England may demand it, and however much the safety of Europe may require it, England will on no account draw the sword for Poland. Another saying, equally incredible, has been attributed to a noble Earl who has been, and may hope again to be, Minister of England—that if Poland obtains its independence, it will be not only without the goodwill, but contrary to the judgment, the wish, and the desire of England. Now, the first of these declarations is so unstatesmanlike, that it must be a libel on the Cabinet of which the noble Lord is chief; and the second is still more a libel upon the nation whose generous character he is believed to represent. I think, therefore, we may look to the noble Lord to-night to vindicate at once the national policy and the English character, by publicly repudiating in the name both of his Cabinet and of his country those ignoble sentiments. The noble Lord's career as a Minister of the Crown has been one of unexampled duration, with constantly-accurring popularity and success, and fortune has favoured him with unlooked-for opportunities of making it most memorable. History will ask how has the world at large been benefited by the opportunities of that long unbroken career. Sir, I hope that history is about to be furnished with an answer. Italy and Poland, twin nationalities, but new political creations, called into young, fresh, ardent, and progressive being to prop the tottering fabric of disjointed Europe, and give fresh guarantees of its invigorated and healthful moral life—these may be the noble Lord's best legacies to the world, bequeathed as the fruits of his unconquered efforts and the monuments by which it may read his life. But is the noble Lord about to show himself equal to the greatest occasion of his life? Never had Minister so long-continued a success, offering so glorious a culmination; but the capital is not yet crowned, and on the next few weeks will depend whether the Crown shall be a chaplet of laurel or a wreath of cypress. It is evident that the task which the English Government have undertaken is very arduous, and to some extent even hazardous, for no one can be blind to the complications which may ensue as they advance. But there is no true-hearted Englishman who will not wish the noble Lord success, and there is no lover of freedom in the world who will not bless him for it. If, however, to advance be dangerous, to retreat now is absolute ruin. No middle course is possible to the Go-

vernment. They cannot now halt between two opinions. The restoration of Poland, not as a matter of humanity and sentiment, but as a wise act of European policy, is about to become the great event of our day. Courage and success must bring honour to those by whom it is accomplished. Faint-heartedness and failure now—I do not say it will cover the Government with disgrace—it will do more, for in the case of the noble Lord it will reverse the judgment on a life. For my own part, knowing as I do, and as we all do, the difficulties, the responsibilities, the anxieties of the task undertaken by the Government, I feel bound to do my utmost to support them in it by the assurance, that after a most careful and critical examination of these papers, I have been brought to a conclusion which I am certain is shared by others whose opinions are more valuable than mine—that these negotiations, taken as a whole, have been so conducted, that if our Ministers now do not abandon themselves, they ought not to be, they will not be, abandoned by Parliament and the country.

Motion made, and Question proposed,

"That, in the opinion of this House, the arrangements made with regard to Poland by the Treaty of Vienna have failed to secure the good government of Poland or the peace of Europe; and any further attempt to replace Poland under the conditions of that Treaty must cause calamities to Poland and embarrassment and danger to Europe."—(*Mr. Horsman.*)

THE CHANCELLOR OF THE EXCHEQUER: Sir, my right hon. Friend has addressed the House upon this occasion with even more than his usual ability, and the House has listened to him, as it always does, with the utmost interest. On behalf of Her Majesty's Government I must say, that if I except one short but very emphatic reference towards the close of his speech to language which he supposes has been uttered by my noble Friend at the head of the Foreign Office in another place, I think that we can have no cause to complain, so far as we are concerned, of the spirit in which he has discussed the subject. But if the censures which he has, I must say, sparingly distributed cannot be accepted, I fear there are compliments which he has been willing to pay us; and views which, in a liberal spirit, he has been disposed to ascribe to us which we must humbly disavow. If, having thus spoken of the spirit of his speech towards the Government, I were disposed to indulge in criticism with respect to that speech, I should say that it appeared to me as a

whole to partake of a sanguine and therefore of a speculative character. My right hon. Friend thinks that Poland ought to be re-constituted. In the latter part of his speech he did not scruple to grapple with the question, "What is Poland?" and he exhibited to us a splendid vision of what Poland ought to be and might be if only the British Government would do their duty. In one portion of his speech my right hon. Friend said, that if Austria only abandoned Galicia, then everything else would follow. Well, but what an "if" is that? In another portion of his speech my right hon. Friend referred to the emphatic and all-powerful effect of the monosyllable "but," introduced in the middle of a sentence; yet that other monosyllable, "if," to which my hon. Friend referred, when he spoke of the surrender of Galicia, is also a potent word. Supposing, however, that "if" to be reduced to nothing, and that Galicia was given up, then my right hon. Friend says that the surrender of Posen by Prussia follows as a matter of course. That is clear to the mind of my right hon. Friend, but I am not at all so certain that it is equally clear to the mind of Prussia. What are we to understand by Prussia? The King, of whose abdication my right hon. Friend has a somewhat sanguine expectation to hear, or the Prussian nation? My right hon. Friend must have been sanguine indeed, when he supposed that even on the surrender of Galicia and Posen there would follow that re-constitution of Poland such as he imagined.

It seemed to me, Sir, that there were parts of his speech, able and eloquent as it was, which did not at all cohere with other parts. When he spoke of the condition and struggles of Poland, and the title of Europe to deal with the Polish question and address Russia in emphatic terms, he then seemed to limit his views to the Poland comprised within the Duchy of Warsaw; but when he spoke of re-constituting Poland, my right hon. Friend then appeared to contemplate the combination in one great kingdom of all those portions of Europe inhabited either wholly or in a majority by the Polish race. But, if we were to look at so vast a question, I confess that I am almost amazed at the confident and sanguine expectation entertained by my right hon. Friend that it would be possible not only to detach Galicia from Austria and Posen from Prussia, but also to sever the whole mass of the Russo-Polish provinces from Russia. That is a

work so gigantic and so entirely beyond the reach even of speculations—of political speculations such as ordinarily indulged in this House—that I find myself unable by any limited powers of my own to follow my right hon. Friend in his adventurous career. If the compliments which my right hon. Friend has bestowed on my noble Friend and the Government are in any degree founded on the supposition that we, like him, see our way to bring about a result of that character, I am bound to assure him that to those compliments we can lay no claim.

My right hon. Friend commenced his speech with a sketch of an historical and interesting nature, not only calculated to command our sympathy, but our assent in respect to many important and some very painful truths. There was, however, one consideration which I could have wished my right hon. Friend had taken into account. I think, that amid all the painful emotions that the cause of Poland excites—amid the sentiments of sorrow, of shame, and of indignation with which we all look back on the past history of Europe in regard to the transactions affecting Poland, we must still feel that the position of the present Emperor of Russia has some claims too on our sympathy. I have not forgotten—and I do not believe the House has forgotten—the memorable words of my noble Friend at the head of the Government, when he said in an earlier discussion on this subject, that we ought to bear in mind that the Emperor of Russia has had the misfortune of succeeding to an inheritance of triumphant wrong, and the disposition which the Emperor has shown in the government of the great mass of his people, the great things which he has achieved on their behalf, the courage with which he has engaged in political problems of the gravest character, and the success with which his wise efforts have been attended, must make us deeply lament that he was ever brought into so unhappy a position with respect to a portion of his dominions. Now, Sir, my right hon. Friend, when in his historical survey he arrived at the year 1831, made a remark which I venture to think was not altogether just. My right hon. Friend appeared to think that at the period of 1831 all intervention of a purely diplomatic character was renounced by my noble Friend, who was then Secretary for Foreign Affairs; but I do not know that that assumption is at all justified by anything declared by my noble Friend, or the Government to which

he belonged. On the contrary, if we are to consider that intentions are best interpreted by the light of subsequent actions, it appears to me that in reference to the case of Cracow, when a clear violation of the Treaty of Vienna was contemplated and carried out by force, my noble Friend pursued the very same course of pacific, though it might be of indignant remonstrance, and registered a protest on the part of England against that proceeding, but without the menace or idea of arms. [Mr. HORSMAN: That was a new question.] But it was a part of the Polish question. If I understood my hon. Friend rightly, the substance of the whole of the earlier portion of his speech amounted to this:—That we ought to have war, or we should have done nothing; and that the adoption of a language unequivocally contemplating war might have had the effect of preventing it. Now, I must say, that if a country like Great Britain holds language which in a general and reasonable sense means war, we must be rightly held as being ready to resort to war. Therefore, my right hon. Friend's proposition was this—either war or nothing.

MR. HORSMAN: That was the doctrine of the noble Lord at the head of the Government in 1831.

THE CHANCELLOR OF THE EXCHEQUER: There I think my right hon. Friend is under a mistake. The Government in 1831 recognised that there was a point beyond which diplomatic interference could not be pushed, and what was done by my noble Friend was simply to signify that that point had been reached. If in contemplating the first alternative of war I had been disposed to be seduced by the powerful representations of my right hon. Friend as to the facility with which great objects, precious and valuable to mankind, might have been obtained, yet I must say in other parts of his speech I might have found an antidote, and especially in that part of it in which he referred to the position of the German Powers since 1815. With respect to France, my right hon. Friend has spoken to-night in terms of great justice of the ability and courage of the Emperor of France, and of the vigour and warmth and ardent feelings of that great nation. But I have heard my right hon. Friend at other periods describe in this House the dangers—draw most highly-coloured pictures of the dangers—that were to be apprehended from French ambition, and I thought that a very considerable change had come over my right hon. Friend's

mind. But if he thinks that Austria and Prussia are so much weakened, morally and physically, that they cannot stand on a footing of equality with Russia, and that France is a Power dangerous from her ambition, I can only ask, is it not hazardous on his part to propose, as he did with so much facility, a great European combination against Russia, in which our dependence must be placed upon Austria, Prussia, and France? It is quite evident that only by a combination could war be carried on; and if such a combination is to be made, the war can only be successfully carried on when there is a clear understanding among the parties—an unequivocal abdication on all sides of selfish purposes, or an exact understanding in what degree the spoils are to be shared by each party. In the case of the Crimean war the understanding was that neither Power was to receive any benefit, and most honourably was that understanding kept on the part of France, no less than on the part of England. The Crimean war was a war with respect to which such an understanding was practical. How could such an understanding be arrived at with respect to Poland? How does France stand with respect to Poland, and what might be the consequences of a war which was to involve all Europe? It requires all the courage and ardent imagination of my right hon. Friend to overlook and tone down the enormous difficulties that beset any plan of a European combination for the purpose of re-establishing the Kingdom of Poland by military force. My right hon. Friend said that Russia might be strong in a good, but would be weak in a bad cause. I should like to know whether he referred to the case of the Duchy of Warsaw or to the whole of the Russo-Polish provinces. If he confined his remark to the former, I must say that the surrender of the Duchy of Warsaw would not, in the slightest degree, satisfy the arguments he used, or come up to the conditions of a united Poland. If, however, he means that the cause of Russia is bad to a much greater extent, and that it is the duty of Russia to sever from the body of her empire the whole of the Russo-Polish provinces, then the boldness of my right hon. Friend abashes and alarms me. I cannot go that length. The incorporation of provinces with an empire after a hundred years brings about great changes of circumstances, of social, moral, and political relations, and I hesitate to accept the proposition of my right hon. Friend. He may be right. If we could see a reconsti-

tuted Poland in the fullest sense, it would no doubt be a great safeguard and a great glory to Europe; but when my right hon. Friend advocates the severance of the Russian provinces as a proposition on which to found a practical policy, I must say it is a policy to which the courage neither of Her Majesty's Government, nor that of any Government likely to succeed them, is at all equal.

I now come to the other side of my right hon. Friend's alternative—that if the Government were not prepared for war, they should have said nothing, and done nothing at all. This may be easy for my right hon. Friend to assert, and I confess it appears considerably less difficult to assert than the proposition laid down with regard to the facility of reconstituting Poland by means of a military combination; but when he says it was the duty of the Government, if they were not prepared for the alternative of war, to remain entirely silent, I must altogether demur to that proposition. Such a course would not have been consistent with their previous proceedings in 1831, and it would have been utterly impossible, on account of the state of feeling both in this country and on the Continent, especially in France. It will be remembered what was the tone of the first debates on this subject in Parliament. How universal and how warm were the expressions of sympathy! The confidence reposed in my noble Friend at the head of the Government, and the exertions he was known to have made in previous times in this cause, alone served to keep the general enthusiasm within anything like due bounds. I am satisfied, however, that neither the noble Lord nor my right hon. Friend would have been able to command the assent or even the acquiescence of the House, had they risen then and said, "We see what is going on, we know the cause of this rising among the Poles, we bear in mind her history in past epochs, and we know the attitude and language of Russia; but yet we mean to be silent and inactive." Such a course would not have been possible to any Government in this country. Moreover, looking beyond the Channel, observing the state of feeling in France, and knowing the traditional and historical position of that country in regard to Poland, it would have been most unwise on our part to separate ourselves from France at the very threshold—to say nothing of Austria—and decline to go a single step along with her in recognising the rights

and obligations which accrued to us with respect to Poland under the Treaty of Vienna. My right hon. Friend seems to think that great mischief must arise from the proceedings of the Government if they should be cut short, or should not be continued in the sense he has described. I do not think he is justified in that view. He himself owned that there had been a marked concession on the part of Russia, that there had never been a more signal triumph of diplomacy. If the time taken by Russia in framing her answers to the proposals of the three Powers was a proof of the immense weight attached to those proposals, it was also a justification of the action which has been taken. I do not think we ought to hold, that because the remonstrances of England in 1831 did not produce immediate and full effect, they were therefore entirely useless. The policy of 1831 was substantially similar to that adopted by Mr. Canning in 1823, when he protested against the French invasion of Spain. There never was a policy which remained more barren of visible and palpable fruit; and yet I do not believe that there was any chapter in the history of modern diplomacy, with respect to which the approval of England has been more decided and uniform from that day to this, than the policy of Mr. Canning in remonstrating against the French invasion of Spain, and likewise in limiting his proceeding to diplomatic correspondence. It was on that principle that at various epochs we have proceeded, and, I think, we have seen, even if we compare what has happened now with what happened in 1831, that remonstrances which may be destitute of palpable fruits may yet not be without important consequences. Russia has not held the same language in 1863 as she did in 1831. In 1831 she denied our *locus standi*, refused to recognise our right to interfere, and maintained that the condition of Poland was a matter with which the Emperor of Russia had alone to do. But now, on the contrary, it has been admitted in unequivocal terms, in the earlier despatches of the Russian Government, that we have a title to be heard. Prince Gortschakoff, in one of his despatches, says—

“The Imperial Cabinet admits the principle that every Power signing a treaty has the right to interpret the sense thereof from its own point of view, provided always that that interpretation remains within the limits of the meaning that is possible to be put upon it according to the text itself. In virtue of this principle, the Imperial Cabinet

does not dispute this right in any one of the eight Powers which have concurred in the general proceedings of Vienna of 1815. This consideration was perfectly brought out by your Excellency when you informed the principal Secretary of State of Her Britannic Majesty that the Imperial Cabinet was ready to enter upon an exchange of views upon the basis and within the limits of the Treaties of 1815. That declaration we adhere to, and my despatch of this day will furnish the best proof of our perseverance in the same disposition.”

Here we have a distinct change of position on the part of Russia in regard to her relations to the other Powers on the Polish question. In 1831 she repudiated their claim to be parties to the question; in 1863 she admits it. That is no slight change and it is a change eminently favourable to whatever hopes we may entertain of a solution of this most difficult and painful question.

My right hon. Friend also adverted to a particular despatch of Earl Russell of the 10th of April which, he says, was the point at which the contingency of war was brought into view. My right hon. Friend seems to think that some pledge was given on the part of Government to go forward, in case of need, even to the alternative of force. The construction put by my right hon. Friend upon that despatch cannot, I think, be sustained. He describes it as a menace of war. In my judgment it bears no such character. He founds himself upon the following passage:—

“The state of things might change. The present overture of Her Majesty's Government might be rejected as the representation of the 2nd of March had been rejected by the Imperial Government. The insurrections in Poland might continue, and might assume larger proportions; the atrocities on both sides might be aggravated, and extended to a wider range of country. If in such a state of affairs the Emperor of Russia were to take no steps of a conciliatory nature, dangers and complications might arise not at present in contemplation.”

My noble Friend subsequently said it was the wish of Her Majesty's Government to hold by the present territorial arrangements of Europe; but Russia herself had in some cases been active in preparing and carrying into effect territorial changes. Now, Sir, I must confess that it appears to me that my right hon. Friend has drawn a very broad conclusion from very narrow premises. I cannot think that any menace of war was contained in any of the words so used by my noble Friend. What my right hon. Friend calls a menace of war, I call a wise reservation of a discretion which it was absolutely necessary to reserve on account of the nature of the ques-

tion under discussion. Who was to answer for it that the Polish question would be confined to the limits of Poland—that that festering sore might not spread over the greater portion of the body of Europe? We had to regard at that time not only the intrinsic danger of the Polish question, but also the peculiar attitude assumed by Prussia. It was impossible not to see that the attitude of Prussia involved the probability that the question might assume the form, not of a quarrel between a particular Sovereign and a portion of his subjects, but of a combination of Governments to put down a particular race. Under these circumstances, was it not wise, in giving an assurance that the proceedings of the Government were pacific, to point out that that assurance had reference to the present limits and character of the question, and did not of necessity convey any pledge with respect to a time when those limits might be indefinitely extended, and when that character might be essentially changed? My right hon. Friend has given the Government his approbation with reference to the six points submitted to Russia, though when considered as the workmanship of Austria he thinks it necessary to visit them with severe condemnatory judgment. He thinks that the British Government have contrived to present the six points in such a way, that if accepted at all, they would necessarily lead not only to the concession of an armistice, but to the assembling of a congress at which, along with the Powers that signed the Treaty of Vienna, there should appear the representative of another Power in the shape of a Polish Commissioner. Well, Sir, it is ungracious for any Member of the Government to disclaim an honour which may be offered to the Cabinet of which he is a member; but I do not think that the rather refined and subtle conception of bringing Russia, either with her eyes open or shut, to a conference where a Polish Commissioner should appear, was involved in the proposition of Her Majesty's Government.

MR. HORSMAN was understood to say that he did not intend to suggest that the Government meant to bring about such a result, but only that such might be the effect of their propositions.

THE CHANCELLOR OF THE EXCHEQUER; My right hon. Friend further thinks that grave results have already followed to the Poles from the diplomatic action of Her Majesty's Government. He

imagines that the Poles have put upon the despatch of the 10th of April the same construction which he has put upon it, and that they have been encouraged in their resistance to Russia by a confident anticipation of aid from without, altogether or mainly founded upon the proceedings of the British Government. But my right hon. Friend has not supported his statements to that effect by anything in the nature of evidence. He has produced no circumstances or declarations which at all connect the prolonged resistance of the Poles with the proceedings of the British Government. He told us that immense excitement was kept up in Poland; but he did not supply anything which established a relation between that excitement, whatever it may be, and an expectation of assistance from abroad, founded upon any acts or declarations of Her Majesty's Government. We know, indeed, that an expectation of foreign aid is one which is too generally entertained by the weaker party in every quarrel. It is probably not too much to say that such an expectation influenced the outbreak of the great struggle now proceeding with such lamentable circumstances in America; but I am not aware that in the present case any evidence can be adduced to show that the policy pursued by Her Majesty's Government has led the Poles to deceive themselves with delusive hopes of external aid. After all, however, it did not depend upon the Government to decide whether the Poles should be so encouraged or not. Committees were formed, subscription lists were opened, and debates took place in this House much more calculated to stimulate the hope of foreign intervention than anything said or done by Her Majesty's Government.

My right hon. Friend has also referred to a speech delivered by Earl Russell in another place, and couched in terms which he thinks deserve condemnation. [MR. HORSMAN: I said it was hardly credible.] I am satisfied that whatever was said by my noble Friend was stated in terms in entire conformity with those of the despatches on the table, and that my noble Friend never surrendered the liberty of England to decide, at any of the stages of any great European question, upon the course which it might behove this country to adopt. My right hon. Friend has not pressed the Government for any declaration of their future intentions. He has, doubtless, felt that an important despatch,



containing the answer of Russia, having just been laid on the table, it follows that the present is not the moment at which any further development of future policy would be appropriate. Acting as we have done in concert with others, it is of course our absolute duty, upon receiving a reply on matters of such great importance, in which we have a common interest and concern with France and Austria, to take counsel with those Powers before deciding upon the future policy that ought to be pursued.

Before sitting down, however, I must make one or two observations on the terms of the Motion. My right hon. Friend invites us to make what I may call a solemn renunciation of the Treaty of Vienna, to record our sense of its failure, and to declare that any further attempt to replace Poland under its provisions would cause calamities to Poland and embarrassment and danger to Europe. A Motion simply condemnatory of the Treaty of Vienna may be open to exception on other grounds, but my right hon. Friend will himself feel that it would be a most inadequate organ for the conveyance of all those sentiments which he has expressed this evening, all those sanguine anticipations with respect to the reconstitution of Poland continuous with the Polish race, and all those confident predictions as to the comparative facility of attaining that great consummation. To condemn the Treaty of Vienna may be perhaps the first step on the road which my right hon. Friend invites us to travel, but it is quite evident that such a Motion would be a most lame and impotent declaration on the part of a Parliament which is invited by the mover of it to contemplate a European war and to expect a reconstituted Poland. But limited as the Motion is, it is one which, I think, it is not desirable for the House to adopt. Whether the case of Poland is parallel to the case of Italy, as my right hon. Friend asserts, I will not undertake to say, but Her Majesty's Government have pursued the same policy in both instances. By an intervention strictly diplomatic, by the use of their good offices, by a plain expression of opinion, they have endeavoured to do what little good might lie in their power. Whether the case of Italy is a parallel to the case of Poland—whether the possibilities of the two cases are the same—is a question which it would not materially edify or assist us to discuss on the present occasion. What we have had in view with

respect to Italy has been this—that no Government ought to commit itself in any cause except where it is righteous, and that no cause is really righteous, with reference to its being taken up by Governments, unless the objects that are contemplated are practicable and attainable. Well, but that is a most important qualification. In regard to Italy, I do not think my noble Friends have at any time endeavoured to recommend anything beyond that which we believe to be strictly practicable and attainable. In the case of Poland, I am not aware that Her Majesty's Government have shrunk from recommending anything coming within the same description. But would my right hon. Friend, by inviting us simply to condemn the Treaty of Vienna, really confer any benefit on Poland? I might, perhaps, object to a particular expression used in his Resolution—namely, that “any further attempt to replace Poland under the conditions of that treaty must cause calamities to Poland and embarrassment and danger to Europe.” We have always contended not that Poland requires “replacing” under the conditions of that treaty, but that Poland is now under its conditions. That is the language held by my noble Friend more than thirty years ago, and that has been the effect of all which has been represented on the part of Her Majesty's Government on the present occasion. Are we to regard the Treaty of Vienna as something which in itself is injurious to Poland? True, you may say we ought to have obtained a better treaty and better arrangements. But that is not the question now before us. The question before us is—Can we do good to Poland by the formal abandonment and renunciation of the Treaty of Vienna? What would be the effect if we simply renounced and surrendered that treaty? Why, that we leave the Poles subjects of Russia by conquest; that we depart from the only definite and tenable ground, determinately recognized by international law, upon which and from which we have the right to address Russia on this subject. We should not by such a course as that improve, but, on the contrary, materially worsen the position of Poland, as far as her position may depend on any efforts of ours in her behalf. For that reason I trust the House will be indisposed to adopt the Resolution of my right hon. Friend. It may be that but little is to be hoped for in this matter from any intervention—diplomatic or otherwise. The question of Po-

land has intrinsic difficulties, which my right hon. Friend seemed to regard as light, but which are, I fear, enormous. The consequences of former misdeeds dog the steps not only of those who have inflicted, but of those who have suffered wrong. To repair a political wrong, or undo a political crime after it has long subsisted, is in many cases almost beyond the power of man. If in Italy we have hoped there might be redress for wrong inflicted through a long course of generations, that has perhaps been a peculiarly happy case. In respect to Poland, I trust that no British Government will ever shrink, or ever place itself under the suspicion of shrinking, from any exertion to obtain by legitimate and practical means whatever can be obtained on behalf of that gallant, that unfortunate, that long-suffering people. But, with these opinions, it would be a betrayal of duty on our part if we were to accede to a motion which, although undoubtedly intended for the benefit of Poland by one of its ablest and most enthusiastic advocates, appears to us calculated rather to weaken than to strengthen the position of that country, by depriving friendly Powers of the only basis of right upon which they are warranted in making efforts on her behalf.

MR. HENNESSY said, the right hon. Gentleman the Chancellor of the Exchequer had told them they ought not to inquire what were the intentions of the Government; but there was one question which they might put, and which they were themselves in a position to answer—namely, what were the intentions and wishes of the people of England with reference to this great question? The people of England had always taken the profoundest interest in the cause of Poland. It was their favourite foreign question, and one in which they had always felt a livelier concern than hon. Members of that House. On other questions of foreign policy that House had been ahead of the people, but it was not so with the question of Poland. On that occasion the people had expressed their sentiments in the constitutional way by Petitions to that House and to those Petitions he would appeal. He saw from the Report of the Committee on Petitions that a Petition had been presented from the bankers, merchants, traders, and inhabitants of the City of London, assembled in public meeting at the Guildhall, called by the Lord Mayor of London, and it stated that Russia by her treatment of Poland

had forfeited all right to its possession, and that the peace of Europe was endangered by the conduct of Russia in Poland. Similar language was held by the people of Liverpool, of Sheffield, of Birmingham, of Edinburgh, and Aberdeen. The Petitions from the most important constituencies of the United Kingdom complained that the peace of Europe was disturbed by the conduct of Russia towards Poland; and that the interests of England being involved in the peace of Europe, it was her duty to interfere. Very little reference was made to the Treaty of Vienna. They addressed themselves to what the Chancellor of the Exchequer called the festering sore of Europe, and they asked the Government to remedy it. If such were the sentiments of the people of England—if they desired that an independent Poland be restored for English interests and for the sake of Europe, he thought they might fairly ask, not what would be their answer to Russia, but what had been the policy of the Government? His right hon. Friend who commenced the discussion—and he rejoiced for the sake of Poland that his great influence and ability had been enlisted in the cause—his right hon. Friend said, while he was bound to praise the Government, he had strong ground to denounce Austria. His great charge against Austria was that she had prepared the six points and almost forced them on England and France. Now, the reverse was the case. The six points were not new. They were as old as March 2 of that year. Earl Russell, in his first despatch to Prince Gortschakoff, made his claim against Russia, and what was it? He said—

“Great Britain, as a Party to the Treaty of 1815, and as a Power deeply interested in the tranquillity of Europe, deems itself entitled to express its opinion upon the events now taking place, and it is anxious to do so in the most friendly spirit towards Russia, and with a sincere desire to promote the interest of all the parties concerned. Why should not His Imperial Majesty, whose benevolence is generally and cheerfully acknowledged”—(not quite so generally or cheerfully acknowledged as the noble Lord would have it)—“put an end at once to this bloody conflict by proclaiming mercifully an immediate and unconditional amnesty to his revolted Polish subjects, and, at the same time, announce his intention to replace without delay his Kingdom of Poland in possession of the political and civil privileges which were granted to it by the Emperor Alexander I., in execution of the stipulations of the Treaty of 1815?” (No. 60.)

There were the six points and something more. The six points omitted one very important stipulation in the charter of

Alexander I.—namely, a national army; but all the rest was included in the six points. Strictly speaking, therefore, Earl Russell asked for the six points on March 2. What did Austria say to that? Earl Russell, in writing to Earl Cowley, said—

“Count Rechberg concludes by saying that he thinks it right to add one more observation. No one is more interested than Austria in seeing an end put to a deplorable state of things which is a constant menace to the security of her own territory. But past experience, the events of 1831, and the well-known aspirations of the leaders of the Polish movement, make it doubtful whether the measures which I recommend the Government of the Emperor Alexander to adopt are sufficient entirely to pacify Poland, to satisfy its inhabitants, and fulfil the wishes of those who are now in arms.” (No. 104.)

Austria thus gave full notice that the proposals made at that time would not be sufficient to pacify Poland. His right hon. Friend, therefore, was not justified in saying that the six points had been forced on England by Austria. He was also in error in referring to the attitude of Austria as unfavourable to the Poles. The question had been asked, “What was Poland?” and it would be well for them to consider what was Austria. She was now a constitutional monarchy, where the people had means of making their views known and their influence felt. He believed her Government was an enlightened one, which would carry out the wishes of the people. But when they recollected that Austria was close to the seat of war, and that two of her provinces were engaged in it, they would readily understand how it was that Austrian statesmen were a little timorous in their action. Still Austria had been among the first to send a despatch to Russia on the subject of Poland, and Russia was constantly remonstrating against the attitude of Austria. The wishes of the Austrian people were with the Poles, and so he believed were the great body of officers in the Austrian army, while the tone of the press in Austria was even more warm towards Poland than that of the English newspapers. In a report made by one of the attachés to our Embassy at Vienna, was a statement which his own experience confirmed. When Langiewicz and his followers surrendered, they were confined in the Riding-house at Cracow, whence in a few days they all escaped, the Austrian troops sympathizing with them. He could also speak from his own knowledge of an instance in which 400 or 500 insurgents were about to cross the frontier. Two Austrian regiments were sent to intercept

them; but the insurgents crossed, and only five stragglers were brought prisoners into Cracow. He was told by an Austrian officer that notice had been sent by him to the insurgents, informing them of the road his troops would take, and which, of course, the insurgents carefully avoided. The sympathies of the troops were with the Poles, although that portion of them nearest the spot were not Galicians. The Galician contingent of the Austrian army was as important one. The infantry of that force consisted of thirteen regiments of the line, numbering 37,180 men; three battalions of Chasseurs à pied, 2,262; officers and volunteers dispersed among other regiments, 6,000; making a total of 45,442 infantry. Of cavalry there were seven regiments of Lancers, 8,680; two regiments, consisting in part of Moravians, 1,500; one regiment of Cuirassiers, 1,860; officers and volunteers in other regiments, 500; making a total of 12,540. The artillery numbered 3,500, the engineers 1,600, the field train and miscellaneous corps 7,000 besides a reserve of 30,000; making a total available contingent of troops furnished by Galicia for the Austrian army of upwards of 100,000. Therefore, Austria had a great interest in Poland. The right hon. Gentleman asked, “What is Poland?” and it appeared that Earl Russell had asked the same question in another place. That was strange, because in 1861 Lord John Russell, then in that House, said, speaking of Poland—

“One cannot but think that for a people which is endowed with so much courage, and which has so long kept alive the holy flame of national existence, a time is reserved when it may recover its ancient glory and resume its place amongst European nations.” [3 *Hansard*, clxiii. 229.]

The hon. Baronet the Member for Buckingham (Sir Harry Verney) observed that that speech of the noble Lord was the most hopeful sign for Poland which he recollected in a long Parliamentary experience. On the same occasion, the noble Lord at the head of the Government said—

“I concur with my noble Friend in thinking that a nation which, under such a long course of oppression, has resisted all attempts to destroy its national spirit must be destined some day or other for a better fate.” [3 *Hansard*, clxiii. 234.]

That was not quite so strong as the language of the noble Earl, but at all events it was some answer to the noble Earl's question what was Poland. But there appeared to prevail some confusion about what was called Poland at the time of the Treaty of Vienna, and the Chancellor of

the Exchequer had spoken of the Duchy of Warsaw as if that alone had been the Poland with which the treaty dealt. That was not so. The Treaty of Vienna must be read by the light of the papers which had recently been laid before the House. Among those papers he found a letter of Prince Metternich, in which that statesman said Austria was ready to assent to the re-establishment of the Kingdom of Poland upon a scale commensurate with its dominions previously to the first partition. There was also in the papers a memorandum of Count Hardenberg, the Prussian Plenipotentiary, bearing upon the same subject. He said—

“Let us then decide on declaring with straightforwardness to the Emperor of Russia that in renouncing the Secret Article of the 25th (16th) January 1797, we will consent to the re-establishment of a Kingdom of Poland separate from the empire of Russia, in which he should unite all the Russian provinces formerly Polish, and should grant to them a separate Constitution, provided that he agrees to lend himself to a territorial arrangement which shall content us, and that he guarantees us our Polish States.”

But, more important still was the Treaty of Vienna itself. That treaty, so far from being confined to the Duchy of Warsaw, commenced by speaking in these words—“The Duchy of Warsaw, except the districts otherwise disposed of by the following article,” and added, that the Polish subjects of Austria, Russia, and Prussia should obtain national institutions. Article 24 also said that the navigation of all the rivers and canals throughout the whole extent of the Kingdom of Poland, as it existed in 1772, should be free. It was clear, therefore, that the Treaty of Vienna referred to other Polish provinces besides the Duchy of Warsaw. The noble Lord at the head of the Government, on March 22, 1831, in writing to Lord Heytesbury, said—

“Your Lordship is instructed to state that it does not appear to Her Majesty’s Government that the provisions of the Treaty of Vienna, applicable to the Polish provinces of Russia, have been hitherto carried into execution.”

And the Russian provinces were in the same position under the Treaty as Galicia and Posen. He should like the House to read the answer to the question—“What is Poland?” by the light of the events which had occurred in Poland. Had, he would ask, the present war been confined to the Duchy of Warsaw? No! Martial law had been applied to the whole of Poland before the insurrection broke out. It was, he contended, their duty to look abroad and ascertain what was the feeling of Europe on the subject. In Austria the

people and the army were in favour of Poland, while the Government were divided into two parties, the one of Count Rechberg favourable, the other of M. Schmerling unfavourable to her cause. At the head of the former he might reckon the Emperor of Austria himself, of whom he had heard people in Vienna say that he was young, that he had been brought up as a soldier, that he was most anxious to do what was just, while he was at the same time ambitious to obtain glory. He believed, moreover, that which was talked of freely there to be the fact; and that was, that the Emperor was among those members of the Government who were favourable to Poland. He therefore differed from his right hon. Friend opposite in thinking that Austria was a great source of apprehension to the friends of Poland. But his right hon. Friend had referred to Prussia, in which he said there were two great parties—the one the nation, and the other the King and M. Bismarck. With the former, however, might be reckoned the Prince of Prussia, who had something to say to the future of the country. Then there was Sweden, the most Protestant Power in Europe, and the most friendly to Poland. There was also Denmark, so that in favour of Poland, in short, they had almost every nation on the Continent. But it was, after all, perhaps, to France that she must mainly look. And what, let him ask, were the sentiments of the French people in her regard? No war, he believed, ever took place in Europe in which France was engaged, in which the wishes of her people were more heartily in favour of a cause than they would be in favour of that of Poland. There was, he believed, no greater mistake than to suppose that selfish motives of territorial aggrandisement must necessarily actuate the Emperor of the French in undertaking such a cause. The moral advantage which he would gain from the re-establishment of the Kingdom of Poland would be so great as to put all territorial results in comparison out of the question. The consequence would be to effect much towards the firm establishment of the Bonaparte dynasty in France, because such a policy would unite opposite and most dangerous interests in its support. If, then, the people of England expressed a strong desire that an address should be presented to the Queen in favour of the independence of Poland, and that measures should, in conjunction with the Emperor of the French, be taken with that object, and that they found the

whole of Europe would be with them, the House would, he thought, be misled if it was induced to think that the present great struggle would terminate without the establishment of the independence of Poland. He held in his hand, he might add, the reply of the Russian Government to the last despatch of Earl Russell, in which they stated they never denied the right of this country to interfere on behalf of Poland. In the despatch, which was dated July 1st, Prince Gortschakoff admitted the principle that every Power which signed the treaty had a right to interpret its sense from its own point of view. The despatch went on to state, however, that no practical result had followed from adherence to the principle in 1831, and here he must observe that he entirely differed from his right hon. Friend with respect to the praise which he gave the noble Viscount at the head of the Government for the course which he then pursued. The noble Lord was asked by the Government of Louis Philippe to mediate in favour of Poland, and he refused to do so; while, if he had done so, under the circumstances, some practical result might have been arrived at. Prince Gortschakoff in his despatch, alluded to the national assistance and moral encouragement obtained from abroad by the Polish insurgents. Now, he denied that the war in Poland was the result of foreign agency, and he would answer the question, "Of whom does the Polish movement consist?" in the words of the official *Gazette* of St. Petersburg, which declared that it consisted exclusively of small landed proprietors, the lower class officials, and of upper farm servants. Lord Napier, on Prince Gortschakoff's authority, added to these the artisans of the town, and then the Prince himself added the rural clergy and the students of the universities. The fact was, that the movement was originated in Poland, and consisted exclusively of the national element. In the first instance it was not countenanced by the leaders of the Poles; and as to foreign aid, the Central National Committee in Warsaw, who would now be called the Polish Government, alluded with truth in the early part of the year to the obstacles thrown in their way by the French Government. In the first instance the French Government did all in its power to oppose the movement; and the British Government also did something secretly, perhaps accidentally, to put it down, by sending two police detectives from Scotland Yard, to Warsaw. It might

be thought that these detectives had done little, but it was a remarkable fact, as showing what was thought of their services in Warsaw, that the Russian Government had given each of them £1,000. The House had heard from the Chancellor of the Exchequer something about the benevolent character of the Emperor of Russia, but that potentate was the only person in Europe who had ventured to speak of the conscription as satisfactory. Lord Napier described the conscription as an attempt to arrest the opposition and carry them off to Siberia. He said that it was a measure that seemed to violate all the principles of justice and policy, and that it was a malignant effort of the old system of despotic violence. Lord Napier also said that the Emperor of Russia, having summoned a number of military officers round him, addressed them upon the affairs of Poland, and said, "After the recruiting of January the 2nd and 3rd, which terminated in so satisfactory a manner at Warsaw, the insurgents showed themselves on both banks of the Vistula." Lord Napier said that on that occasion many officers were moved to tears, and the Grand Duke Michael wept aloud. A very remarkable result. At that time no fewer than thirteen officers in the Russian army had flung up their commissions on hearing of this "satisfactory" conscription, and one had blown out his brains when called upon to attack the insurgents. Count Rechberg had said, and he agreed with him, that it was not likely that the proposals made by Earl Russell would pacify Poland; but could Russia carry out the six points? We knew now that she had rejected them. But what would be her position if she had accepted them? It was utterly impossible for Russia to govern Poland. When he had spoken on the Polish question early in the Session, he had stated that several of the institutions of which the Emperor boasted so much had been abolished. There then remained, however, the Council of State, the Municipal Council of Warsaw, and the Marshals of Nobility. But these last remaining links between the two countries had now been broken. From Colonel Stanton's despatches it was clear that the Polish nobles and the members of the moderate party had been driven into the arms of the insurgents by the acts of the Russian Government. He then came to the question — What was this Polish Government? Within the last few days the *Invalides Russes* had published an ar-

ticle, in which it was stated — and he would accept the authority of that official organ — that the insurrection was promoted and fostered by the people of Poland; that in most of the villages they purchased arms and drilled publicly in uniform, taking care to resume their ordinary avocations on the approach of the Russian troops; and that they were assisted by even the public functionaries, because one great feature of these flying squadrons was, that they were furnished with passports *en règle*. He knew an instance which confirmed that view. A Polish gentleman going to Warsaw with important papers for the National Government was stopped at a railway station short of his destination, and told by a person in Russian uniform that his only chance of safety was to give them up to him. He did so, and at Warsaw he was arrested, searched, and carried before an official, in whom he recognised the same person who had taken the papers from him. As there was nothing found upon him, the Polish gentleman was discharged, and within a very short time had the papers restored to him by the Russian official. It was the same thing with the Government telegrams. Their contents were, however, known to the national party before they reached the Russian officers for whom they were intended. There was a good deal of truth in the anecdote of a conversation between the Grand Duke Constantine and General Berg. The Prince said, "Your police seem no better than mine in finding out the secret organization of the Poles in Warsaw." "I beg your Royal Highness's pardon," said the General, "it has led me to the discovery, that, except your Highness and myself, every one in the country is in the conspiracy." The Russian functionaries in Warsaw were Russian only in name. They were all officials of the Polish Government, which printed every morning five journals in Warsaw, guaranteed tranquillity when 50,000 persons walked in procession, divided Poland into districts, governed those districts by Chambers, levied taxes, and raised the money without foreign aid by which the movement was supported. Poland had a national Government then, which preserved order, made laws, and imposed taxation; but let the House contrast that with the Government of Russia in Poland. The Russian Government deserved this credit in 1863—that they had

thrown off the mask. In his despatch of April 10 Earl Russell told the Russian Government that their policy was contrary to good faith and destructive of international treaties. In answering that despatch Lord Napier said:—"The Russian Government avow that their authority cannot be maintained by legality; legality, they say, is our death." Colonel Stanton in a despatch told the Government, that though he had heard of many cases of atrocities committed by the Russian troops, he had not heard of any committed by the insurgents. He himself had talked with a number of wounded insurgents in a town of Poland, and in describing to him the manner in which the war was carried on, they said their invariable practice was to send the Russian troops whom they took prisoners back to their regiments. An English gentleman who had visited one of the Polish camps had remonstrated against the practice, but they said they had generally found these men act as messengers of peace with their fellow-soldiers when they got back to them. Prince Gortschakoff said that he was at a loss to know from what sources Her Majesty's Government derived their information as to what was passing in Poland, but he presumed it was not from an impartial authority. Her Majesty's Government, he supposed, were guided chiefly by the representations of Lord Napier and Colonel Stanton. Lord Napier was not a likely man to be partial to the Poles; indeed, it had been said of him that he was apt to yield too much to the influences of the Court at which he was accredited. "Calumnies," said Prince Gortschakoff, "have been circulated against our brave soldiers, who are performing a painful duty in Poland, which have been heard with indignation throughout all Russia." But if Prince Gortschakoff would read the reports made to his Government by the mayors of different communes in Poland, he would find that great excesses had been committed by the troops. Again, what did Lord Bloomfield state from Vienna? He spoke of outrages committed by the Russian troops, not only on Poles but on Austrians, and he added that "those illegal acts were probably solely referable to the demoralization and want of discipline which now characterize the Russian army." But no more conclusive testimony could be adduced of the barbarity of the present Russian rule in Poland than the proclamations of General

Mouravieff. Those proclamations had been very properly denounced by Earl Russell, who states, that if they were to be taken as indications of the mode in which the Russians governed Poland, he could see little hope of peace in that country. The Russian Government themselves avowed that legality in that case would be death to them. That avowal showed the true position of Russia in the contest; it stamped her as an outlaw in Europe; and it placed the Poles before the world as the supporters of law and order. Within that single word "legality" lay the claims of Poland. He said that they ought to ask legality for the Poles; and as surely as it would be death to Russia, it would to them be life and liberty.

MR. KINGLAKE confessed that he hardly thought his hon. Friend who had just sat down had brought any great accession of strength to his cause by exalting the power and dignity of the Government sitting at Warsaw; because, after all, they must recollect that it was an anonymous Government. In his (Mr. Kinglake's) view, one of the greatest difficulties Her Majesty's Government had to contend with was the very fact that the Government sitting at Warsaw had no name. It was, in point of fact, a great secret society, with which the hon. Gentleman proposed we should ally ourselves. If there was but a man of an honoured name, and surrounded by a people holding even one great town in Poland against the Russian Government, he confessed he should look at that as something more tangible—something, so to speak, to which we might carry a flag of truce. But he rose principally for the purpose of alluding to one or two points in the speech of his right hon. Friend the Member for Stroud (Mr. Horsman). In the speech which he had delivered that evening he had traced an historical summary of the modern events in Poland. In much of what the right hon. Gentleman said he agreed, but he was bound to say that there were some material omissions in his historical sketch. In the first place, his right hon. Friend dealt with the Poland of 1815 as if he thought it was some territory lying perfectly loose in Europe, of which the great Powers might dispose as they chose. That was not the case. A little reflection would bring to the minds of hon. Gentlemen that there was no option on the part of any of the great Powers but Russia. The Emperor Napoleon made the Duchy of Warsaw, and the adjacent pro-

vinces of Poland, the base of his operations in his invasion of Russia. He failed; the Russian troops pursued him, and in the natural course of things remained in occupation of the territory. Therefore, as the Emperor Alexander said—and it was difficult to contradict him—the Russians were there in right of conquest. But the Emperor Alexander was considered by some friends of Poland to be a man of generous sentiments, and he was pressed to make that portion of Poland which he was to receive as large as possible, because those who so pressed him were caught with the assurance that not only Poland, but the Polish provinces which Russia had taken previously, were to receive a constitutional government. In that state of things, Lord Castlereagh, greatly to his honour, exerted himself to the utmost of his power to prevent the seizure of the whole country by Russia. He was bound to say that in that endeavour Lord Castlereagh was aided very substantially by Austria, because Austria offered to give up Polish possessions which she had acquired by conquest. Nothing could have been more generous in the way of territorial sacrifice than the conduct of Austria on that occasion. The offers of the Emperor of Russia, who was then a strong man, were also of a generous kind as regarded constitutional government. He was now speaking of a period before that at which the treaty was signed, and not of the moment at which it was finally agreed upon. The Emperor expressed his willingness to give a constitutional government to the Duchy of Warsaw, and to annex to that duchy all the Russo-Polish provinces. His liberality went to the extent of his professing a willingness to withdraw all the Russian troops from the kingdom so to be constituted, in order that none but Polish soldiers should touch its soil; but his right hon. Friend the Member for Stroud had forgotten to mention the event which had upset all that arrangement—namely, the return of the Emperor Napoleon from Elba. That led to the treaty being signed hastily and without that deliberation which was desirable in the case of so important a document; and hence the short paragraph only in relation to Poland, of which every one has heard so much. He would not follow his right hon. Friend in what he had said of the events of 1831, because he did not think in what he had said in relation to these occurrences there was much about which he had to quarrel with him; and they did not appear to him

to have much special relation to the subject they were then discussing. He would therefore pass at once to a consideration of the occurrences of the present year. In dealing with these transactions, his right hon. Friend took what, he ventured to say, was not a statesmanlike view of the question. In the first place, he seemed to lay down that in a transaction of this kind there must be no such thing as negotiations—we must make up our minds at once as to whether we should fight for the object in view. A policy of that kind would, of course, at once put an end to diplomacy; but he did not think it was much calculated to benefit the Kingdom of Poland. Now, he ventured to say, that under the circumstances which had occurred it would have been impossible for Her Majesty's Government to justly do anything but what they had done. We must remember that the insurrection of the Poles was one justly commenced. The conscription, which was the immediate cause of the insurrection, was not only an intolerable tyranny, but also a new kind of tyranny, and one to which no people of spirit could be expected to submit. That being the case, would any number of hon. Members in that House have been content to see Her Majesty's Government assume an attitude of perfect torpor, when they had a right to appeal to Russia to fulfil her engagements under the Treaty of Vienna? And here he must say that he thought some hon. Gentlemen fell into the mistake of confounding treaties which contained guarantees with those which contained none. This treaty which gave us the right to interfere in behalf of Poland did not contain any guarantee. England had a perfect right to remonstrate against the violation of that treaty, and to protest against the conduct of Russia in violating it. He admitted that she had also a right, if she thought her own interests were at stake, to go to war in consequence of the violation of that treaty. But there was a great difference between such a treaty and treaties containing guarantees. In the present case the obligation was not commensurate with the right, and though England had the right to go to war, she was not bound by the treaty or by any principle of international honour to do so, if she did not feel that it was her interest to go to war. It was not pleasant not to succeed in anything that one undertook; but that England was bound to go to war in case Russia did not fulfil her obligations in respect

of Poland was what he could not admit. If therefore England, having remonstrated without effect, did not go to war, she would not be dishonoured by not going to war. Again, that England was right in making this claim upon Russia under the Treaty he had no manner of doubt, and he thought Her Majesty's Government were right in relying on the treaty, instead of relying on mere philanthropic ground. To have appealed to Russia on such grounds would have been calling on principles a great deal too shallow, or a great deal too deep. If the interests of this country were not involved, the country would not be carried into war merely for the sake of sympathy; on the other hand, the advancement of those principles would be extremely perilous. His right hon. Friend had told the Government to be wise in time, and to see how they steered in conducting these negotiations in alliance with Austria and France. In speaking of one of those Powers, he had offered a testimonial which seemed to have caused no little amusement to the House. For himself, he could not help feeling that the right hon. Gentleman's testimonial was something like a recantation. As far as he could charge his memory, the language of his right hon. Friend in respect to Savoy and Nice was not consistent with the language he had held that night. [Mr. HOBBMAN: Quite identical.] While proposing this great triple alliance, the right hon. Gentleman seemed to impute to one of the parties that she is imbecile and hypocritical, and asked her at the same time to submit to the dismemberment of her Empire. Was that the way in which they were to start with this great alliance? He wished the House to consider some scheme less warlike and more likely to be carried into effect. Whenever any great wrong was being perpetrated in Europe, there was always some Power, most likely a Power bordering on the aggrieved State, which had an interest in redressing the wrong. Austria was on the frontier of Poland; and being in possession of Galicia, was she likely, unless driven, to take such a course in Polish transactions as England was likely to approve? It was not possible for Austria long to endure that this insurrection should continue on her frontier. His next proposition was, that having entered on the career of constitutional government, it was not possible for Austria to attempt to put down the insurrection otherwise than in a sense favourable to Poland. He made this asser-



tion on the faith of debates going on in the Reichsrath on the subject of Poland, which exceeded in earnestness and animation those which took place in that House. In these debates the strongest sympathy for Poland had been expressed. He held in his hand a translation of a speech delivered by a member from Galicia, in which occurred this passage—

“But this has still for Austria a very particular interest. In her young constitutional existence the solution of the Polish question forms, so to speak, for her a crucial test of constitutional government. If asked why disturbances had not taken place in that province, I answer—first, because the Poles have been better governed than Russian Poland; secondly, the inhabitants enjoy religious and civil liberty; and thirdly, because the policy of Austria has been so humane and constitutional, when contrasted with that observed in Russian Poland, that the Poles there are reconciled to remain under the rule and control of Austria until at least they see a more favourable opportunity of acquiring their independence.”

And no one could say that the Galicians were wrong. It was also stated in a despatch from one of the *attachés* to the British Embassy in Austria that the reason why the insurrection had not extended to Galicia was because the people there enjoyed perfect religious equality, and that the policy of Austria had been humane and considerate. He conceived that one of the questions which Her Majesty's Government would now have to determine was whether the reluctance of Russia to admit the principle of an armistice should be the cause of breaking off the negotiations. He did not desire to say anything that might in any way prejudice pending negotiations, but he hardly knew what answer this country could make, should Russia ask what security could be given for the observance of an armistice by the other side. Then, again, if they went to the insurgents—though he thought that it would be difficult to find them—and pressed on them the acceptance of an armistice, he could not say that that course would be beneficial to their cause; because, if the insurgents accepted the armistice, they would then have to go to their homes. The insurrection would consequently cease, and the grounds which now existed for calling on Europe to interfere for the purpose of re-establishing tranquillity by negotiations would no longer exist. Therefore, he thought it would be wrong to break off too suddenly the negotiations with Russia, because she might be unwilling to accept an armistice; and he thought that the amnesty she offered, if a real amnesty,

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would, to a certain extent, supersede an armistice. The Resolution before the House expressed despair of any good being derived by the Poles from the Treaty of Vienna, and no one could deny that there was a good deal of truth in that declaration; but there never had been a time in which it would have been more inapt than at present to express this despair at the Treaty of Vienna, for, slight as might be the ground, still it was the only available ground on which they could endeavour to obtain justice for Poland.

MR. PEACOCKE said, he thought that there was not much in the Resolution, but there was a great deal in the speech which ushered it in, because the right hon. Proposer of the Resolution in that speech virtually called on the Government to go to war on account of Poland. He believed the House and the country were equally unanimous, that whatever their sympathy might be for Poland, they would not go to war with Russia on their account; and, above all, they were determined not to be dragged into a second Russian war at the tail of France. There were three ways in which one Government might legitimately interfere in the affairs of another. The first was as a friend, *amicus curiæ*, and the second was in the interests of peace and humanity. The last was the attitude assumed by France, and the other by Austria. The third was as a party to a treaty. Her Majesty's Government, however, seemed to have found out a fourth way of interfering, and that was as one who did not know on exactly what grounds his right to meddle was based. The noble Viscount at the head of the Government said it rested on the Treaty of Vienna, but the noble Earl the Foreign Secretary, in another place, said that they thence derived only a sort of a right, and in one of his despatches declined to fix the precise meaning of the article respecting Poland in that treaty, thereby exercising, perhaps, a wise discretion. The right hon. Gentleman had run amuck at Austria in his speech, and had described her as a mere second-rate Power that had no influence during the Crimean war. It was, however, a matter of fact, he understood, that the withdrawal of Russia from the Danubian Principalities was due solely to the position that Austria took up upon the flank of her army. The right hon. Gentleman appeared to imagine that the six points of the joint proposal were drawn up by Austria, but he (Mr. Peacocke)

thought, that constituting as they did a little Reform Bill for Poland, they bore traces of the authorship rather of Earl Russell than Count Rechberg. The first referred to a general amnesty. He had always understood that an amnesty followed, and did not precede, the subjugation of a country in revolt. The third article, requiring that the Poles should be employed as public officers so as to form a national administration, was quite unnecessary, as the hon. Member for the Queen's County had proved, for he stated that at present all the public offices, down to the telegraphs and the railway, were in the hands of Poles. The fourth article, enforcing religious toleration and the removal of restrictions on Catholic worship, was almost the only fair and reasonable one, and he doubted whether it would meet with approval from all the supporters of the Government. The hon. Member for Perth, for instance, was an enthusiastic supporter of the Government and friend of the Poles, but then he was also an enthusiastic enemy of the Catholics. As regarded the sixth point, it was one to which no great Power would give its assent. What great Power would allow foreign Powers to prescribe regulations with respect to the recruiting of its army? He wished, moreover, to call attention to the position in which this country was at present placed by the action taken by the Government in this matter. We had agreed with France and Austria to present joint notes to Russia, but in case the points contained in them were not accepted by Russia, which had turned out to be the case, we had not agreed upon a common course of action. He thought he might venture to say that this country would not go to war for the purpose of enforcing the six points, but there was nothing to prevent France doing so. If, therefore, France commenced a war of aggression, we should find ourselves with our hands fettered, and he wished that House and the country to understand that France on the Vistula meant France on the Rhine. He hoped the House would not agree to the Motion of the right hon. Gentleman, because he (Mr. Peacocke) thought that the whole responsibility should rest upon the Government, which had placed the country in a position of considerable difficulty and of considerable danger, from which it could not advance without peril, nor recede without dishonour.

SIR FRANCIS GOLDSMID trusted that the House would allow him to make

some observations on the subject under consideration, in which he felt an interest, not only on grounds common to him with most other Englishmen, but also because the members of the religious community to which he belonged, who were counted by hundreds, or at most by thousands, in many other European countries, might be reckoned by the million in Poland, and because the fate of those millions was likely to be seriously affected for good or ill by the result of the pending contest. The fact of so many Jews inhabiting Poland seemed to be attributable to their ancestors having settled there in the middle ages, at a time when religious persecution did not prevail in that country, though it was prevalent in most other parts of Europe. But of late years the Russian Government, adopting the usual policy of despotisms, had succeeded in setting one part of the population against another in order to rule all, in using to a certain extent the Jews as an instrument against the Catholics, and in inducing the Catholics to acquiesce in the persecution of the Jews. Now, however, this policy was seen through by all the parties concerned, and there were several indications that the Jews were making common cause with their countrymen, while the Catholics were ready to hold out the right hand of fellowship to the Jews. One of these indications had, he believed, been mentioned by a noble Lord in another place. The Chief Rabbi Meisel, the same who had shared with the Roman Catholic Archbishop the honour of imprisonment for participating in a patriotic demonstration, was sent for by the Grand Duke Constantine, and urged to use his influence with the Jews to induce them to take part with their father the Emperor. It is true, replied the Rabbi, that the Emperor is our father; but then Poland is our mother, and in quarrels between parents the children generally take the side of the weaker. Another interesting incident of a similar tendency had not, he (Sir Francis Goldsmid) believed, been publicly stated in this country. In 1861, when the manifestations were beginning, which the continued and increasing tyranny of Russia had developed into the existing movement, the Government was apprehensive of any concourse in the streets of Warsaw. The funeral procession of a Catholic, a man well known and respected, though of no political importance, was accompanied by a large number of persons, and preceded, as was usual, by a cross. The Govern-

ment, fearing some patriotic demonstration, ordered the Cossacks to disperse the crowd. They accordingly charged, scattered the people, and trampled on and destroyed the cross. On this becoming known to the congregation of the Synagogue, they presented to the church a handsome cross similar to that which had been destroyed. And this, he (Sir F. Goldsmid) apprehended, the Jews did, not as indicating any want of adherence to, any wavering in, their own ancient faith, but in order to mark their respect for the religious feelings of the majority of their countrymen, and their indignation at the conduct of the common oppressor, by whom the symbol which he was bound to reverence as sacred, had, on the mere baseless supposition of its being used as part of a demonstration against the Government, been desecrated and trodden under foot. There were many other facts tending to illustrate the part taken by the Polish Jews in the contest, with which he (Sir F. Goldsmid) would not trouble the House. He would merely remind them that the son of the chief Jewish banker at Warsaw had been carried away by the Russians towards Siberia, and had died on the road, and that one could now scarcely read a newspaper paragraph respecting Poland without remarking some instance of the rigour practised by the Russians towards Jews as well as others, to avenge their resistance to the Imperial Government.

Passing now from these facts, which showed that the cause of Poland deserved the sympathy of the friends of religious, as well as of civil liberty, he would ask leave to say a few words on the main questions raised by the Motion before the House. These questions he apprehended to be, whether England had hitherto taken the right course in this matter, and what course ought now to be taken by her. Now, the Chancellor of the Exchequer had understood the right hon. Gentleman who opened the debate (Mr. Horsman) to argue, that Her Majesty's Government ought to have done nothing unless it were prepared for war. He (Sir F. Goldsmid) believed that this was not the argument of the right hon. Gentleman. At all events it was not his (Sir F. Goldsmid's) argument. He expressed no opinion whether the Government ought or ought not to determine on war as a last resort; nor did he say, that if the Government did not even in the last resort contemplate war, it ought therefore

*Sir Francis Goldsmid*

to have remained silent with reference to Poland. But he did venture to contend, that whether this country were to proceed beyond diplomacy or not, the diplomatic measures taken were not the right ones. In the first place, it was most singular that in the despatches written by Lord Russell during the last spring (that of the 10th of April might be particularly referred to) he had expressly limited the right of England, founded on the Treaty of Vienna, to address Russia on behalf of Poland, to the Kingdom of Poland, excluding the Polish provinces of Russia. Now, this was a mistake. The Treaty of Vienna, as had been pointed out by the hon. Member for the King's County (Mr. Hennessy), applied to the Polish provinces as well as to the kingdom, though its stipulations with respect to each were different; and this had been stated by the noble Lord now at the head of the Government, with his usual force and clearness, in his despatches of March 1831 and March 1832. What the noble Lord had then known had not ceased to be known to him now; and it was certainly, therefore, very remarkable that this important matter should have been so inaccurately stated in the despatch which was sanctioned by his Government in April last. The error appeared, however, to be corrected in the despatch of the 17th of June, which was right in addressing Russia on behalf of Poland generally, that is, on behalf of the provinces as well as of the kingdom. But then this despatch was in other respects most unsatisfactory. Its "six points" were, in fact, a mere amplification of the conditions of the Treaty of Vienna in reference to Poland. Now, it might have required the sagacity of Lord Castlereagh to foresee in 1815 that the attempt to induce Russia to govern Poland in accordance with those conditions would fail. But no unusual foresight or sagacity—nothing but the most ordinary application of common sense, was now requisite in order to perceive that the experiment which had already failed could not succeed, if tried again under circumstances still more unfavourable—if tried again when, within, the mutual hatred of the Russians and Poles had been increased by oppression on the one hand, and the vain attempt to resist it on the other—when, without, it had been shown in practice, though he (Sir Francis Goldsmid) was glad to learn to-night that it had not been avowed as a principle by the Foreign Minister of England, that hardly any breach

of those conditions would rouse into active interference the Powers who had signed the treaty. If it were asked, what then ought England to have done, he (Sir Francis Goldsmid) would venture to state in reply, the opinion of men who had given to the consideration of the affairs of Poland more hours than any Member of that House had given minutes—of men who had sacrificed to the Polish cause their homes, their prospects, the bulk of their fortunes, and the greater part of their lives. And this opinion was, that to that cause a most essential service might have been, and might still be, rendered by a solemn declaration made by England that in her judgment Russia, having systematically broken the conditions on which her right to the possession of Poland had been recognised, has forfeited that right. If, again, it were asked how this declaration could be useful to Poland, he would answer, that as compared with the "six points," it would at least have had some negative advantages. It would not have requested Russia again to consent to conditions which she had positively declared to be impracticable. It would not have requested her to repeat promises which, during the half century that has elapsed since they were first made, she has continually broken, and which, whether she repeat them or not, we may be sure that so long as she shall retain her hold on Poland she will continue to break. It would not have been a mockery somewhat resembling the act of handing back the victim to the torturers, and at the same time requesting, that if the rack were to be applied, it might be done with all tenderness and care. But men well acquainted with the subject thought also that such a declaration of forfeiture might have some positive advantages. The cession by Austria of Galicia, with a view to the reconstitution of Poland, had been treated by the hon. Member for Bridgwater (Mr. Kinglake) as a dismemberment of our ally, and he had remarked that at all events the Galicians themselves ought to be consulted respecting it. Now he (Sir Francis Goldsmid) was sure that he was speaking the opinion of the Poles when he said that they would desire nothing better than that the matter should depend on the wishes of the Galicians; and he was confident that those wishes would be directly opposed to the opinion of the individual Galician deputy in the Austrian Reichsrath, who had been cited by the hon. Member. As to such a cession being a dismemberment

of our ally, it was not suggested by any one that it should be forced on Austria. That Power had herself proposed it in 1814 as conducive to her own security. She might make the same proposal again, and competent judges were convinced that nothing would have a greater tendency to accelerate that proposal than a declaration by England that Russia had forfeited all right to her Polish possessions. Again, it was believed, by persons well acquainted with Poland, that such a declaration would greatly encourage the Poles in their present struggle, by showing them that their subjection to Russia was no longer part of the public law of Europe. And if, notwithstanding such encouragement, they should for the present fail, the fact of that declaration having been made, would at least render impossible the recurrence of what we had seen during the last ten years, a fierce war carried on by powerful States against Russia, coupled with an abstinence, by all her opponents, from attacking her in her most vulnerable point. Such a declaration of forfeiture, even if unaccompanied by any threat of immediate action, would significantly reserve for the probably not distant future, for the period of the first serious quarrel between Russia and the other great Powers, their task of following up that declaration by appropriate acts.

MR. NEWDEGATE said, he thought that but little consideration had been shown to Russia in many of the suggestions that had been made, and that nothing could be more unfortunate than the proposal that the Government should abandon their only ground of negotiation and attempt by violence to overthrow the provisions of the Treaty of 1815. He had been reminded throughout the debate of the saying that paper constitutions were worth nothing, he thought the vision of a restored kingdom of Poland, which the right hon. Gentleman the Member for Stroud had held up for admiration was a "kingdom in the air." What was the ground of complaint against Russia; it was that she was resisting a rebellion conducted by a secret agency, at a time when she was not proceeding upon the principles of despotism, but endeavouring to advance her form of Government and her people from despotism and slavery into the community of constitutional states. It had been too much overlooked that no empire had done so much for freedom in this century as Russia. They talked of freedom in Italy, but

let them compare the number of those who had been set free in Italy with the numbers who had obtained liberty in Russia by the abolition of serfdom. And was such conduct to bring on the Emperor the hostility of Europe? Would it be either wise or generous for constitutional England to come forward and attack Russia at such a time? He thought Her Majesty's Government ought to be very careful how they insisted upon the proposals, contained in the six points, as exclusively their own. He had perceived that several newspapers, especially some expressing ultramontane opinions, seemed to entertain an *arrière pensée*. Those who held ultramontane opinions in Ireland seemed to ask how it was that the British Government had not adopted in that country during the Rebellion of 1798 the course which they were now pressing upon the Emperor of Russia, although the position of Ireland towards England in that year was analogous to that of Poland towards Russia at present. He (Mr. Newdegate) rejoiced that two of the Catholic Powers were parties to these proposals—France and Austria. Since this rendered it impossible to assert that these proposals originated solely from England, he wished to take that opportunity of stating his belief that the matter was safe in the hands of the Government, and that he had come down to vote against the Motion of the right hon. Member for Stroud. He thanked Her Majesty's Government for the steps they had taken, which, though they might not lead to success at once, might hereafter furnish a solution of the difficulty. The House should show every consideration to the Emperor of Russia, who might otherwise say "You are trying to defeat my efforts for the liberation of my people by inopportunately urging upon me the adoption of a course which, if left to myself, I could pursue successfully, though not with reference to Poland in her present state of insurrection."

LORD HARRY VANE said, he could not think the hon. Member for Reading had judged rightly in thinking it would be proper to pass an abstract Resolution like that before the House, and then leave the matter there. He thought such a course would only be embarrassing, and would place us in a difficult position in our negotiations with Europe. He quite agreed that the question was beset with difficulties, but he thought hon. Members could not do better than leave it in the hands of

*Mr. Newdegate*

Her Majesty's Government. Diplomatic action was necessary on the part of Her Majesty's Government when Russia was not acting in conformity with the stipulations of the treaty of Vienna. They had a right to protest against the manner in which the stipulations of that treaty were regarded by Russia, and, having that right, they were justified in urging the different points put forward by the noble Lord at the head of the Foreign Department. He was in St. Petersburg as an attaché in his younger days, and he had remarked that great jealousy was felt by the Russians when any of the privileges enjoyed by them were extended to Poland. The favour shown by the Emperor of Russia to the Polish army at the time was also a subject of great jealousy to the Russians. The Emperor was obliged to throw himself into the arms of the old Russian party, and it was impossible for him to establish a constitutional Government at that time in Poland. The time might come when Russia would find it her interest to enter into some arrangement, but that time was not yet come. From private persons he had received information that there was at that time existing in Russia a feeling somewhat akin to that which existed in 1812. He was told that the fanaticism amongst the Greeks was beginning to operate directly upon the Government, and that the Emperor had great difficulty in resisting the Russian nobles and the pressure put upon him by the old Russian party. Their object was to prevent the concession of privileges to the Poles, and the Emperor was driven to have recourse to warlike measures, for the purpose of being ready for any emergency that might arise. On the whole, then, he thought it would be much better to leave the matter in the hands of Government than to make speeches which tended to irritate without producing any useful result.

MR. SOMERSET BEAUMONT said, he hoped the Poles would soon become a great and free Power in Europe. The brutal acts of the chief general of Russia had created a universal feeling of indignation. Nevertheless, he should feel it his duty to vote against the Motion of the right hon. Member for Stroud, not because he disagreed with it as an abstract Resolution, but because he did not wish to cast any reflection on the course pursued by Her Majesty's Government. That course had been a wise and prudent one, and, if followed up with energy, would, he believed,

be successful in vindicating the rights of the Poles. The state of things which the noble Lord at the head of the Government had desired many years ago had now occurred. England, France, and Austria had gone cordially together; and although the Prussian Government had so disgraced itself in the eyes of Germany and Europe, yet the debates in the Berlin Chambers showed that, whatever might be the course taken by the King, the heart of the Prussian people was with the three Powers. He must express his satisfaction at the contradiction given by the Chancellor of the Exchequer to the statement of the right hon. Gentleman, and at his assurance that England was free to act as she thought proper. The Secretary of State for Foreign Affairs recently quoted with approbation in another place the policy of Sir Robert Walpole, who was distinguished as a peace Minister, but who nevertheless on one occasion sent a fleet of twenty sail of the line to Lisbon to vindicate his policy. He trusted that Her Majesty's Government, if they found a fitting opportunity, would be able to vindicate their views in regard to Poland by sending twenty sail of the line to the Baltic. It would be a disgrace to British diplomacy if, after expressing such strong views, it should remain barren of results.

VISCOUNT PALMERSTON: Sir, my right hon. Friend who made this Motion introduced it, as my right hon. Friend the Chancellor of the Exchequer has said, in a speech marked by his usual ability, and to which the House listened with the greatest attention and delight. But, as he went along, it appeared to me that that speech was not so consistent with itself as the speeches of my right hon. Friend usually have been; and that, moreover, it was not consistent with the Motion which my right hon. Friend has made. In the beginning of his speech my right hon. Friend found fault with the Government of 1831, and with myself, as the organ of that Government, for having interfered diplomatically with the affairs of Poland. My right hon. Friend reproached the Government with timidity in not having pursued their policy to the arbitrament of arms. [Mr. HORSMAN: I approved of everything they did in 1831.] Well, but my right hon. Friend went further. I am glad we have his approbation for what we did in 1831, he certainly passed high praise on the course taken by my noble Friend at the head of Foreign Affairs on the present occasion, for he said that it was

a great diplomatic triumph to have obtained the concurrence of almost all the Powers of Europe in the representations made to Russia in regard to the affairs of Poland. But it seemed to me that the gist of the speech of my right hon. Friend was that mere diplomatic representations were unavailing unless they were followed by force. He seemed to me to deny the power of public opinion. Now, I always thought—and the praise my right hon. Friend gave to my noble Friend for having obtained the concurrence of most of the States of Europe in representations to Russia seems to imply that he also thinks—that the power of public opinion is almost equal to that of arms, and no doubt public opinion is a powerful engine in its influence upon the conduct of men and Governments. That which has happened is indeed a striking proof of the power of this. In the discussions of 1831 and 1832 the Russian Government denied that we had any right to remonstrate with them upon the affairs of Poland, founding ourselves on the Treaty of 1815. They said that Russia had reconquered Poland after the revolution, and that this conquest annulled all the engagements of 1815. The Russian Government, therefore, argued that any interference in the affairs of Poland was an interference in the internal affairs of Russia, and that we had no right to meddle with that which concerned the Emperor of Russia alone. Now, the ground taken by Russia is entirely different. Yielding to the joint opinion of so many of the Powers of Europe, Russia is willing to enter into discussions in regard to Poland within the limits of the Treaty. That is a great step gained, and it affords a prospect of a better condition of things than the former ground taken by Russia entitled us to expect. It is quite true, as the hon. and learned Member for the King's County (Mr. Hennessey) has stated, that the stipulations of the Treaty of Vienna were twofold—one relating to the Kingdom of Poland, and the other to the Poles who were the subjects of Austria, Russia, and Prussia; and as Poland was a separate kingdom attached to Russia by the Crown, it is quite clear that this latter paragraph related to the Russian subjects of the ancient provinces of Poland which were incorporated into the Empire of Russia. It is said that England at the Treaty of Vienna was mainly instrumental in giving Poland to Russia. But the fact is, as may be seen by the despatches laid upon the table, that the Emperor of Russia had

at that time a large army in Poland and that he insisted on keeping Poland. It was not England that gave Poland to Russia, but Russia had occupied and conquered Poland, and refused to give it up; and the Treaty of Vienna was the best arrangement that it was possible to make under the circumstances. That arrangement was made by the Emperor of Russia in the interest of Poland. He was then very much guided by Prince Czartoryski, and contemplated giving to Poland a very liberal constitution, and intended to annex a large portion of the ancient Polish provinces that had been incorporated with Russia and now form part of the Russian Empire. It is said by some that it is impossible to suppose that a free Parliamentary constitution for Poland could co-exist with a despotic authority in Russia. I do not see the force of that assertion. It was not that impossibility which prevented the constitution of Poland from working; it was the arbitrary tendencies of the Grand Duke Constantine of that day, who was then Governor of Poland, and the change of feeling on the part of the Emperor of Russia, which led to the suspension of the constitution, and to the tyrannical and arbitrary Government that was set up in the place of the liberal and free institutions which it was intended by the Treaty of Vienna to establish. This led to the revolution of 1831, which was created and carried into effect by the large Polish army which the Emperor had established in Poland at the time when he was desirous of giving liberal institutions to Poland. But, then, we are told by my right hon. Friend that we have no alternative now between either remaining perfectly passive or insinuating upon the establishment of Poland according to its ancient limits. No doubt, if all the Powers of Europe were prepared to go to war with Russia to compel her to restore everything she has taken from Poland, I could understand it might be thought desirable that the object of such a combination should be the establishment of the Kingdom of Poland with its original limits. But it is quite clear that such an object could not be accomplished by persuasion, and that it must be accomplished, if at all, by force. The only ground on which we or the other Powers of Europe are entitled, as a matter of international right, to address Russia with respect to her treatment of Poland, is the Treaty of Vienna. That treaty entitles us to require that certain arrangements con-

templated by it should be established in the Kingdom of Poland, and that certain arrangements should be carried out with respect to the Polish provinces of Russia. But the moment you begin to go beyond that treaty, and to demand that Russia shall reconstruct a separate Kingdom of Poland, such as it was before the partition, you have no ground of right on which such a demand can be made, and it then becomes a demand which can only be enforced by war, and a successful war. Well, Her Majesty's Government are not prepared to take that course. But the right hon. Gentleman, having, as I understood him, argued at considerable length to show that we ought to go to war with Russia for the purpose of that great change, then moved a Resolution which does not tally with his speech. His Resolution goes to this:—That we should declare to Russia that the Treaty of Vienna in regard to Poland is at an end, and that we should therefore divest ourselves of the right we now possess of remonstrating with Russia in respect to her treatment of Poland. I cannot understand how we should be assisting the Poles by adopting such a course. We are now entitled to represent to Russia that she has not fulfilled certain engagements into which she entered by that treaty—that she has not given to the Poles of the kingdom that constitution which the treaty distinctly stipulated should be the link between Poland and the Imperial Crown. We are entitled to say to Russia, "By the second paragraph of that article you are bound to do that which Austria and Prussia have done with regard to Galicia and Posen—that is to say, to give national representation and national institutions to your Polish subjects." The moment we declare to Russia that the treaty is at an end, Russia says, "I accept your admission; I hold Poland no longer by treaty, but by conquest. It is mine by right of the sword, touch it who choose. I have the same right to keep it without any condition whatever as I have to hold any part of the great empire which belongs to the Russian Crown." It appears to me that this, so far from being an advantage to the Poles, would only be banding them over tied hand and foot, to be dealt with according to the pleasure of General Mouravieff or anybody else whom Russia may place over them. I hope, therefore, that the House will not accede to my right hon. Friend's Motion; I think it would

be a most lame and impotent conclusion. It was well said by my right hon. Friend the Chancellor of the Exchequer, that it was impossible for Her Majesty's Government to remain quiet and do nothing after the commencement of the Polish insurrection. At the beginning of the year, the opinion of the House and the country, the opinion also of Europe, was loudly expressed in favour of some representation to be made to Russia. And I hold it to be quite at variance with the common transactions of human affairs to say that you are never to remonstrate or negotiate unless you are prepared immediately to have recourse to arms, if you do not obtain by diplomacy what you are endeavouring to accomplish. That would put an end to all intercourse between nations, and it is the rule neither of States nor of individuals. We all know that much is gained without a resort to that final arbitrament for which my right hon. Friend would contend. Her Majesty's Government in this case did that which I think was required by the public opinion of the country and which was advocated in debates in this House. We also did that which we have a right to do—we invoked the Treaty of Vienna, and we obtained the concurrence of France, of Austria, of Spain, Portugal, Italy, Turkey, Belgium, and Sweden, all of which agreed with us in urging upon Russia a milder course towards the Poles. It has been said that it would be no satisfaction to the Poles if that result were gained. Sir, I cannot see that there is any just foundation for that opinion. The condition of the Poles would be very much improved if they were re-established in the position in which the Treaty of Vienna placed them. But then it is said that we suggested one thing which was perfectly impracticable—namely, an armistice. Well, can any man look at the cruelties committed—I fear by both sides—in this lamentable struggle, at the dreadful waste of human life, and the sacrifice of some of the most distinguished members of the Polish nation, and not wish to see these hostilities suspended, even for a time, if they cannot be entirely stopped? But if that war were suspended for a time, I cannot but think that negotiation would intervene and a final settlement prevent the recurrence of the contest. It is asked, "How can that be done?" Well, I think that has been answered in the course of this debate. If the Russian Government were to assent—which I am sorry to say they do not—to a suspension of this unhappy strife, we

have been told, from what one would suppose to be authority, that the Revolutionary Government in Poland has made it known that it would agree to a Conference, provided it was represented in that Conference. Well, who has authority to say that? Could not those who have access to this representation of Polish authority on that point obtain from the same authority—secret or whatever else it is—some assurance which, if the Russian Government declared itself ready to agree to suspend hostilities, might draw from the other side some corresponding engagement, so that between the two the object might be accomplished of putting an end to such a frightful sacrifice of life and effusion of blood? Sir, I think that is worth attempting, and that we should have been neglecting our duty if we had not included an armistice among our proposals. Upon Russia be the responsibility of having refused it—we have done our duty. Although of the other points the Russian Government say they have already determined to carry some of them into effect, while they are disposed to adopt the others as soon as tranquillity is restored, however advantageous those points may be, it seems to me there can be no useful negotiation for the purpose of carrying out any of the points therein mentioned unless by some means or other we can arrest a sacrifice of life so painful to contemplate, and which appears to be daily extending. I am sure, the House does not expect Her Majesty's Government now to state what course they may follow upon this matter. The only thing I can say is, that as we made our communication to Russia in concert with the Governments of France and Austria, it will be our duty to communicate with those Governments with respect to the answer which each of the three Powers has received from Russia; and I am persuaded that the course to be taken, whatever it may be, will be such as will meet with the approval of this House and the country.

MR. HORSMAN said, he quite agreed with the noble Lord that Her Majesty's Government, having received the Russian answer only that morning, could not as yet be expected to state the decision they might come to upon it. Of course, it would be necessary for them to hold council with the other Powers. When he gave notice of his Motion, he could not anticipate that it would come on for discussion on the very day on which the Russian



answer was received. Both the noble Lord and the Chancellor of the Exchequer, in criticising the terms of his Motion, had put a somewhat wrong construction upon it. They supposed that it was his wish, and his object now to take Poland out of the provisions of the Treaty of Vienna. But what he maintained was, that the Emperor of Russia, by abolishing the constitution of Poland, and repudiating his obligations to Europe, had himself taken Poland out of the provisions of the treaty; and the present Motion was condemnatory of the policy of ignoring the events of the last thirty years, and considering the arrangements of 1815 as applicable and valid at the present time. When he (Mr. Horsman) was told that what he proposed was impracticable, he begged to say he proposed no more than Lord Castlereagh, Prince Metternich, Prince Talleyrand, and the Prussian plenipotentiaries had recommended and urged fifty years ago. He assured the noble Lord, he had not said one syllable in derogation of his policy in the year 1831. From the beginning to the end, he thought the noble Lord's policy on that occasion was to be approved; but the conclusion of the negotiations of 1831 was that the English Ministry had no choice but to submit as they had done, or go to war, with France and England on one side, against Austria, Russia, and Prussia on the other; and from the latter alternative they naturally shrank. But on the present occasion, so far from censuring the policy of the Government, he supported it as not leading to war, because the Government had made a combination which so isolated Russia that she would have no power of going to war, and thus without moving a soldier or commissioning a ship the objects of the combination might be secured. But if this were not done, if we were to suffer France to negotiate and act alone, a European war must ensue, into which, sooner or later, it would be impossible that we should not be drawn. He assured the hon. Member for Bridgewater (Mr. Kinglake) that he was mistaken in supposing that he (Mr. Horsman) had ever varied one hair's breadth in the opinion he had formed of the character and policy of the Emperor of the French. At the time to which the hon. Member had referred he had declared aggression and aggrandisement to be the traditional policy of France. He said so now. He had formerly maintained that whilst England was weak and defenceless she could ex-

*Mr. Horsman*

ercise no power to restrain that aggressive policy. Since England had become the equal of France, she had been able to exercise a salutary influence as an ally, but that traditional policy of aggrandisement would again be carried out if France were left to act alone. The first thing she would do would be to fall upon the Rhine; whilst if England and Austria restrained France by a wise and well-conducted triple alliance, she would be compelled to abandon a self-seeking and disturbing policy. Of course, under the circumstances, it would be very inexpedient now to press for any opinion from Her Majesty's Government, whilst the answer of the Russian Government was under consideration, and therefore, with the leave of House, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

#### ANCHORS AND CHAIN CABLES BILL.

##### COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to*.

Clause 3 (As to Charges for testing and affixing Proof Mark).

MR. LINDSAY objected to the clause.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 25; Noes 34: Majority 9.

Clause *struck out*.

Clauses 4 and 5 *agreed to*.

Clause 6 (Inspector to be appointed by Board of Trade).

MR. LINDSAY said, he objected to the proposal that the inspectors should be appointed by the Government.

MR. MILNER GIBSON asked, where the money was to come from to pay these inspectors?

MR. LAIRD said, the Board of Trade had a large staff, and they might appoint one without any salary.

SIR JAMES ELPHINSTONE said, they would be remunerated by the fees which would be payable.

MR. LINDSAY said, he should move the omission of the clause.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 27; Noes 31: Majority 4.

Clause *struck out*.

Clause 7 agreed to:—Clause 8 struck out.

Clause 9 (Vessels to be equipped with stamped Anchors and Cables).

MR. LINDSAY said, he objected to the clause.

SIR JAMES ELPHINSTONE said, that after the mutilations which the Bill had undergone he should advise his hon. Friend (Mr. Laird) to withdraw it. At the same time, he considered the conduct of the Government with reference to it was most extraordinary. The object of the Bill was to save a very great sacrifice year by year of life and property, notwithstanding which, upon the flimsy pretext that some little additional trouble would be cast upon the Board of Trade, the President of the Board had given it his persistent opposition. He hoped it would be understood, that in assuming the responsibility of opposing this Bill, the Government also assumed the responsibility of resisting the attempt to save those lives and this property, and next year the Bill would be re-introduced at an earlier period of the Session.

MR. MILNER GIBSON said, that while  $2\frac{1}{2}$  per cent of the total lives lost by shipwreck might be saved by good iron and good workmanship, the Bill would materially lessen the chances of getting damages against shipowners in cases of neglect on their part. He repudiated the charge brought against the Government. It appeared to him that the Bill required considerable amendment, and the only object was to make it a useful and workable measure.

MR. LAIRD said, that, in his opinion, the Government had shown anything but a desire to pass the Bill. When he first brought it under the notice of the House, he was told that Lloyd's and the London Shipowners' Association were opposed to it. He had shown that they were in favour of the measure. He had written to the right hon. Gentleman the President of the Board of Trade to say, that if he had any suggestions to make which would not interfere with the principle of the Bill, he should be happy to attend to them. If the right hon. Gentleman had informed him, "that he meant to oppose the Bill clause by clause," he should not have taken up the time of the House with it on that occasion; but, on the contrary, he had been led to understand, that if certain additions were made, the Government would allow it to pass. He thought the course pursued

by the right hon. Gentleman, assisted by the hon. Member for Sunderland, who had long taken upon himself to represent the shipowners of the country, was an unfair one, and he therefore begged leave to withdraw the Bill, with an intimation that he should introduce it early next Session.

MR. FERRAND said, the course taken by the Government showed, on their part, a disregard of the evidence taken by the Committee on this subject.

MR. LINDSAY said, he had never assumed to represent the shipowners of the country. They had generally been wrong, while almost all his views on shipping had been embodied in Acts of Parliament.

MR. LIDDELL said, he approved the principle of the measure, the design of which was to save some of those lives that were lost annually by shipwrecks, but he thought the details of this Bill were defective.

MR. AYRTON objected to the Bill.

LORD CLARENCE PAGET explained, that the Admiralty could not get the smaller chains of any other firm than Brown & Co.

SIR JOHN HAY said, he hoped it would be noticed that the manufacture of bad anchors and chains was so profitable that only one firm would make those which were satisfactory to the Admiralty. The Bill would have induced, or compelled, other manufacturers to make as good chains as Messrs. Brown & Co., and thus saved valuable lives in vessels not belonging to the Government, but the Government persisted in throwing out the Bill.

House resumed. [No Report.]

## CONSTRUCTORS OF THE NAVY.

### RETURNS MOVED FOR.

MR. FERRAND said, he wished to move for Returns of the names, ages, and periods of service in detail, of the two constructors of the navy, the master shipwrights, and the assistant master shipwrights of Her Majesty's Royal dockyard; and of the age and length of service of Mr. E. J. Reed, who has been nominated for the post of chief constructor of the navy; giving the date of his entry as an apprentice, and as supernumerary draughtsman of Her Majesty's dockyard, Sheerness; the date when he left the service, and the reason thereof; together with any information as to the employment of Mr. Reed since he left Her Majesty's service. His

object in moving for these Returns was to show to the country the facts connected with the appointment of Mr. Reed—an appointment that had given the greatest dissatisfaction throughout all the dockyards, seeing that Mr. Reed was some few years ago an artisan in the dockyard at 30s. a week, and he had been placed over the heads of at least twenty persons, also well qualified for the office, and his salary was now £900 a year. Mr. Reed had never constructed a ship, and had shown no special qualification for the post to which he had been appointed. The Government might defeat his Motion, but he (Mr. Ferrand) gave notice, that if it were defeated, he would bring it on again early next Session, and press it until he had beaten the Admiralty.

LORD CLARENCE PAGET said, he must repudiate the accusation that the Admiralty were committing an act of jobbery. He would give a statement of facts, showing that no injustice to old servants of the Crown was intended by the Duke of Somerset in appointing Mr. Reed, but he must resist the Return as unnecessary. Mr. Reed had been employed for two years, and the Controller of the Navy had urged upon the First Lord his appointment to this office. The desire was to get the best man to superintend the expenditure of vast sums for which the Admiralty were responsible, and Mr. Reed had shown himself highly qualified for the office. The object of the hon. Member was not to get information, but to use intemperate language towards the Duke of Somerset, and he hoped the House would support the Government in resisting the Motion. The average of the ages of the officers to whom the Motion of the hon. Gentleman referred was fifty-four years.

SIR JAMES ELPHINSTONE said, the appointment of Mr. Reed was one of the grossest jobs that had ever disgraced the Admiralty. There were many more competent men than Mr. Reed in the dockyard who were much younger than the average the noble Lord had stated. He should therefore call upon his hon. Friend to divide the House.

SIR JOHN HAY said, there was an undertaking by the Government on a former occasion not to appoint Mr. Reed without further discussion in that House.

MR. CONINGHAM said, he wished to know whether Mr. Reed was not an advocate of a mixture of wood and iron in constructing ships.

*Mr. Ferrand*

Motion made, and Question put,

"That there be laid before this House, Returns of the names, ages, and periods of service in detail, of the two Constructors of the Navy, the Master Shipwrights, and the Assistant Master Shipwrights of Her Majesty's Royal Dockyards:

And, of the age and length of service of Mr. E. J. Reed, who has been nominated for the post of Chief Constructor of the Navy; giving the date of his entry as an Apprentice, and as Supernumerary Draughtsman of Her Majesty's Dockyard, Sheerness; the date when he left the Service, and the reason thereof; together with any information as to the employment of Mr. Reed since he left Her Majesty's Service."—(Mr. Ferrand.)

The House divided:—Ayes 14; Noes 23: Majority 9.

### CUSTOMS DUTY ON SPIRITS.

*Considered in Committee.*

(In the Committee.)

Motion made, and Question proposed,

"That the Chairman be directed to move the House, that leave be given to bring in a Bill, to reduce the Customs Duty on certain Spirits to be used in the Arts and Manufactures in the United Kingdom."—(Mr. Peel.)

MR. FERRAND objected to proceeding at that hour.

MR. CAVE deprecated any delay in what he characterized as a most useful measure.

SIR GEORGE GREY, Mr. H. A. BRUCE, and Mr. PAULL supported, and Mr. HENNESSY opposed the Motion.

Question put, and *negatived*. [No Report.]

House adjourned at half after Two o'clock.

### HOUSE OF LORDS,

*Tuesday, July 21, 1863.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Railways Clauses\* (No. 238); Waterworks Clauses\* (No. 239); Turnpike Acts Continuance, &c.\* (No. 240); Expiring Laws Continuance\* (No. 241); Petty Sessions (Ireland)\* (No. 242); Poisoned Grain, &c.\* (No. 243); Promissory Notes and Bills of Exchange\* (No. 244).

*Second Reading*—Charitable Uses\* (No. 152); Union Relief Aid Acts Continuance\* (No. 231); Companies Clauses\* (No. 232); Turnpike Trusts Arrangements\* (No. 233); Exhibition Medals [&c.]\* (No. 234).

*Committee*—Navy Prize Agents (Nos. 210 & 235); Fortifications (Provision for Expenses)\* (No. 225); Public Works and Fisheries Acts Amendment\* (No. 201).

*Report*—Fisheries (Ireland) (No. 229 & 236); Fortifications (Provision for Expenses)\*; Public Works and Fisheries Acts Amendment\*; Vaccination (Scotland)\* (No. 230).

*Third Reading*—Pier and Harbour Orders Confirmation\* (No. 220); Misappropriation by Servants\* (No. 227); Harwich Harbour\* (No. 174); Howth Harbour\* (No. 180); India Stock\* (No. 223); Sydney Branch Mint\* (No. 217); and severally passed.

*Royal Assent*—Poor Law Board Continuance [26 & 27 Vict., c. 55];

Loan Societies [26 & 27 Vict., c. 56];

Regimental Debts, &c. [26 & 27 Vict., c. 57];

Police and Improvement (Scotland) (Provisional Order) [26 & 27 Vict., c. 60];

Growing Crops Seizure (Ireland) [26 & 27 Vict., c. 62];

Volunteers [26 & 27 Vict., c. 65];

Waywardens' Contracts [26 & 27 Vict., c. 61];

Prisons (Ireland) [26 & 27 Vict., c. 66];

Greenwich Hospital (Provision for Widows) [26 & 27 Vict., c. 67];

Metropolitan Main Drainage Extension [26 & 27 Vict., c. 68];

Officers of Royal Naval Reserve [26 & 27 Vict., c. 69];

Public Works (Manufacturing Districts) [26 & 27 Vict., c. 70];

Land Drainage (Provisional Orders) [26 & 27 Vict., c. 63];

Sir Robert Hitham's Charity [26 & 27 Vict., c. 58];

Ruthin Charities [26 & 27 Vict., c. 59];

Local Government Supplemental (No. 2) [26 & 27 Vict., c. 17].

#### BREACH OF PRIVILEGE.

THE EARL OF DONOUGHMORE said, he desired to call the attention of the House to an article in the *Stockton and Hartlepool Mercury* of the 15th of July, in which it was imputed to him that having had a relative—the Rev. Henry Crispin—interested in the West Hartlepool Dock and Railway Bill, he had improperly made use of his position as a Member of that House and Chairman of the Committee to obtain for his relative more favourable terms than he would otherwise have obtained. He indignantly repudiated that insinuation, and would ask if there had been anything in his conduct during the twelve years he had been in the House to warrant such a charge. As he thought their Lordships would feel inclined to protect those to whom they intrusted important functions in the consideration of Private Bills, he had felt it his duty to call the attention of the House to the matter; but, for himself, he had no intention to proceed further in so trumpety an affair.

EARL GRANVILLE said, he was sure their Lordships would agree with him that the charge was altogether unwarranted, and that the part taken by the noble Earl in the case of this Bill was highly creditable to him. The noble Earl had detected

very great irregularities in the proceedings of the Company, and had very properly brought them under the attention of the House. It was a matter for grave consideration whether charges of this sort involving a breach of the privileges of the House, should be passed over, and it would be for the House to consider whether it was not their duty to summon the printer of the article to appear at the bar. As, however, it was perfectly impossible that any one could attach the slightest importance to the charge which had been made, and after the observations of the noble Earl, it would probably not be thought necessary to take any formal action in the matter.

LORD REDESDALE stated, that the particular portion of the Bill referred to in the article in the newspaper was settled by him as Chairman of the Committees, long before the Bill went to the Committee, and he did not believe that it came before the noble Earl at all. He thought, however, that if there was any likelihood that these attacks would become habitual, it would be necessary for the House to adopt measures accordingly.

THE EARL OF DONOUGHMORE said, he had felt it his duty to bring the subject under the consideration of the House; and having done so, he had no desire to press it further.

LORD REDESDALE thought the editor of the paper ought to be thankful to the noble Earl for his forbearance.

#### NAVY PRIZE AGENTS BILL—(No. 210.) COMMITTEE.

House in Committee (according to Order.)

THE DUKE OF SOMERSET said, that while he was not averse to the main propositions of the Bill, he thought that the provisions would require amendment by the Committee. He had prepared the amendments which were deemed desirable by the Admiralty. The noble Duke then moved the first of these.

LORD CHELMSFORD said, that he must oppose the Amendments, because they would destroy the whole effect of the Bill. From 1814 to 1854 all prize proceedings were instituted by the agents of the captors.

After a short conversation, which was inaudible,

THE DUKE OF SOMERSET said, he would not press the Amendments.

Amendments made: The Report thereof to be received on *Thursday* next; and Bill to be *printed* as amended. (No. 235.)

ALKALI WORKS REGULATION BILL [H.L.]  
(NO. 215.) COMMONS' AMENDMENTS.

Commons' Amendments *considered* (according to Order).

THE EARL OF DERBY said, he was anxious that some Bill on this subject should pass, and he would therefore accept the Amendments made by the Commons, although he hoped no objection would be raised to one or two modifications in them. As the Bill left their Lordships' House the penalties were recoverable before the Quarter Sessions, and except on points of law there was no appeal. In the Commons an appeal to the superior courts was given; but as the expense was not to fall upon any private individual, there was no harm in that. The Judge of the County Court was substituted for the Court of Quarter Sessions. This was rather an anomaly, inasmuch as it was unusual to give jurisdiction of a criminal character to the County Courts, and a mode was adopted to obviate the objection—namely, by providing that the proceedings should be in the form of an action by the Inspector, and the penalty was to be deemed a debt. He preferred the County Court Judge to the Quarter Sessions, for the reason that his sittings were more frequent; and so far he would not press any objection against the Commons' Amendments. But, as the Bill came back to their Lordships, no conviction could be obtained unless the Inspector or sub-Inspector watched the individual factory for four hours, and could state that during the whole of the time the condensation of the gas did not, at any moment, amount to 95 per cent. In nine cases out of ten a stream of gas proceeded from the works which was visible to the eye, traceable by the nose, and capable of being tasted by its effect upon the lips—any man who could see, smell, and taste could prove, as well as ten Inspectors, whether the proper amount of gas was condensed or not—but, if there were fifty or sixty people who could speak to an uninterrupted stream of gas during a whole day, the Inspector could not succeed in his proceedings against the owner of the works, because he had not himself personally observed it during the whole period of four hours. He should propose, therefore, to restore the Bill to its original shape, by omitting the words "derived from his own

examination or that of the sub-Inspector." He should also propose to omit the words "in any one period of four hours," so as to leave the offence completed by non-condensation at any time. With regard to the proviso requiring the Inspector to deliver a written statement of the grounds upon which he formed his opinion, he suggested that it was unnecessary, as the Inspector must produce evidence sufficient to substantiate the charge.

LORD STANLEY OF ALDERLEY thought that the evidence of the Inspector or sub-Inspector was the only evidence on which a conviction could be based. To the noble Earl's Amendment in the latter part of the clause he had no objection, but he could not consent to the third Amendment.

Commons' Amendment by the insertion of the words "in any one period of four hours" *disagreed to*; the other Amendments *agreed to*.

THE EARL OF DERBY moved to disagree to Clause A (Owner to be liable for Offences in the first instance), added by the Commons.

LORD STANLEY OF ALDERDEY said, the clause followed the analogy of the Factory Act, which exempted masters under similar circumstances.

LORD CHELMSFORD was surprised to hear of the existence of such a clause in the Factory Act, for it was a plain violation of the principle of law, that a master was civilly liable for the acts of his servants.

LORD EGERTON OF TATTON said, it was so; and he had noticed in the Reports of the Factory Inspectors complaints of a disposition among masters to throw the onus of infractions of the laws on their servants.

On Question? their Lordships *divided*:—Contents 47; Not-Contents 24: Majority 23.

Clause *disagreed to*.

CONTENTS.

Saint Albans, D.	De Vesci, V.
Sutherland, D.	Hawarden, V.
Bath, M. [ <i>Teller</i> .]	Hutchinson, V. ( <i>E. Donoughmore</i> ). [ <i>Teller</i> .]
Normanby, M.	Lifford, V.
Amherst, E.	Bangor, Bp.
Beauchamp, E.	Chichester, Bp.
Cardigan, E.	Calthorpe, L.
Cawdor, E.	Chelmsford, L.
Derby, E.	Clarina, L.
Desart, E.	Cloncurry, L.
Devon, E.	Cranworth, L.
Hardwicke, E.	Denman, L.
Malmesbury, E.	Ebury, L.
Orkney, E.	Egerton, L.
Romney, E.	Kingsdown, L.
Wicklow, E.	
Wilton, E.	

Lismore, L. (*V. Lismore.*)  
 Llanover, L.  
 Mont Eagle, L. (*M. Sigo.*)  
 Mostyn, L.  
 Overstone, L.  
 Redesdale, L.  
 Silchester, L. (*E. Longford.*)

Somerhill, L. (*M. Clarricarde.*)  
 Talbot de Malahide, L.  
 Taunton, L.  
 Templemore, L.  
 Tyrone, L. (*M. Waterford.*)  
 Wensleydale, L.  
 Wodehouse, L.  
 Wynford, L.

## NOT-CONTENTS.

Westbury, L. (*L. Chancellor.*)

Somerset, D.

Ailesbury, M.

Airlie, E.  
 Cottenham, E.  
 De Grey, E.  
 Effingham, E.  
 Granville, E.  
 Harrowby, E.  
 Saint Germans, E.

Falmouth, V.

Abercromby, L.

Aveland, L.  
 Boyle, L. (*E. Cork and Orrery.*)  
 Camoys, L.  
 Clandeboye, L. (*L. Dufferin and Claneboye.*)  
 Crewe, L.  
 Foley, L. [*Teller.*]  
 Hunsdon, L. (*V. Falkland.*)  
 Ponsonby, L. (*E. Bessborough.*) [*Teller.*]  
 Saye and Sele, L.  
 Seymour, L.  
 Stanley of Alderley, L.  
 Sundridge, L. (*D. Argyll.*)

The other Amendments *agreed to*; and a Committee appointed to prepare Reasons to be offered to the Commons for the Lords disagreeing to the above Amendment: The Committee to meet on *Thursday* next: at a Quarter before Five o'Clock.

## FISHERIES (IRELAND) BILL—(No. 229.)

## REPORT.

Amendments *reported* (according to Order).

LORD WENSLEYDALE moved to insert the following Proviso:—

"Provided always, that this Act or anything herein contained shall not take away, affect, or prejudice any Right, Title, or Interest which is now possessed, enjoyed, or exercised under or by virtue of the Declarations or Enactments made and contained by and in the Eighteenth and Nineteenth Sections respectively of the Act of the Fifth and Six Years of Her present Majesty, intituled 'An Act to regulate the Irish Fisheries,' anything herein-before contained to the contrary in any wise notwithstanding."

LORD STANLEY OF ALDERLEY said, this proposition was practically a repetition of what had been moved and decided before, and he could not, therefore, give his assent to it.

LORD CRANWORTH supported the Motion, believing it to be in accordance with every principle of right and justice. Was it not better to wait till next Session, and pass a proper Bill, than hurriedly to sanction a measure which everybody admitted to be full of gross injustice?

THE EARL OF ST. GERMAN'S said, that it was with very great reluctance that he felt compelled to support an Amendment which was opposed by his noble Friend (Lord Stanley of Alderley); but having been a party to the Act of 1842, which established rights which it was now proposed to destroy, he felt that he could not as an honest man refuse to listen to an appeal for the protection of those rights. The Bill of 1842 was introduced by the Government, it was referred to a Select Committee, and it was after full consideration that the Bill passed. That Bill recognized rights which parties had been since dealing with, and yet now it was proposed to confiscate them. Surely, this should not be done without giving compensation for the injury inflicted, for no such principle had ever before been recognized. He was of opinion that it was necessary that all obstructions to the full development of the salmon fisheries should be removed, but in doing so they should pay due regard to all existing rights and interests. He should certainly vote for the Amendment of the noble and learned Lord.

VISCOUNT LIFFORD looked more to the general spirit of legislation than to any particular measure. The Act of 1842 was not like a law of the Medes and Persians, which could not be modified for the benefit of the community.

THE EARL OF WICKLOW, though he regretted that a Bill which would be so useful should be endangered by the Amendment being adopted, said that still he could not support the principle that rights should be taken away without any compensation being afforded. The adoption of such a principle would be thought unfair to the character of their Lordships' House, which the public had hitherto looked up to as a place where justice was sure to be done. He regretted, that owing to the late period of the Session at which the Bill had come up to their Lordships, there was no opportunity of hearing the parties who would be affected by the Bill; but it was clear that rights which had been created by Act of Parliament were now about to be destroyed; and therefore even although he should endanger the passing of the Bill, he should support the Motion of the noble and learned Lord.

THE EARL OF HARROWBY admitted that some private rights would be interfered with by this Bill; but, at the same time, the rights of all parties were likely to be

materially increased in value by the improvement of the fisheries, and therefore there was no ground for asking for compensation.

LORD STANLEY OF ALDERLEY said, he desired to remind the House that by the Bill all rights existing in 1862 were preserved.

LORD CHELMSFORD said, that they were dealing with property worth £300,000 a year; and he was told that one-third of that property would be annihilated by the Bill in its present shape. Although the measure was for the public good, and although some fisheries would be much improved by it, still that was no reason why they should take away the rights of individuals without awarding compensation.

EARL GRANVILLE admitted, that considerable hardship might be occasioned in individual cases; but he reminded their Lordships that yesterday he had voted in favour of a clause which gave compensation for all injuries sustained, which, however, their Lordships by a majority rejected. The question of compensation was not raised in the proposal made by the noble and learned Lord, and he thought the adoption of that proposal would destroy the principle of the Bill.

On Question? their Lordships divided :—Contents 17; Not-Contents 49: Majority 32.

*Resolved in the Negative.*

#### CONTENTS.

Westbury, L. ( <i>L. Chancellor.</i> )	Chichester, Bp.
Bath, M.	Calthorpe, L.
Normanby, M.	Chelmsford, L. [ <i>Teller.</i> ]
	Cranworth, L.
Derby, E.	Kingsdown, L.
Malmesbury, E.	Redesdale, L.
Saint Germans, E.	Templemore, L.
Wicklow, E.	Tyrone, L. ( <i>M. Waterford.</i> )
	Wensleydale, L. [ <i>Teller.</i> ]
Bangor, Bp.	

#### NOT-CONTENTS.

Saint Albans, D.	Fortescue, E.
Somerset, D.	Granville, E.
Sutherland, D.	Hardwicke, E.
	Harrowby, E.
Ailesbury, M.	Orkney, E.
	Romney, E.
Airlie, E.	De Vesci, V.
Amherst, E.	Falmouth, V.
Beauchamp, E.	Hawarden, V.
Cottenham, E.	Hutcheson, V. ( <i>E. Donoughmore.</i> )
De Grey, E.	Lifford, V.
Desart, E.	
Devon, E.	
Edingham, E.	

*The Earl of Harrowby*

Abercromby, L.	Mostyn, L.
Boyle, L. ( <i>E. Cork and Orrery.</i> )	Overstone, L.
Camoy, L.	Ponsonby, L. ( <i>E. Bessborough.</i> ) [ <i>Teller.</i> ]
Clandeboyne, L. ( <i>L. Drif-ferin and Claneboyne.</i> )	Saye and Sele, L.
Clarina, L.	Seymour, L.
Cloncurry, L.	Silchester, L. ( <i>E. Longford.</i> )
Crowe, L.	Somerhill, L. ( <i>M. Clanricarde.</i> )
Egerton, L.	Stanley of Alderley, L.
Foley, L. [ <i>Teller.</i> ]	Sundridge, L. ( <i>D. Argyll.</i> )
Hunsdon, L. ( <i>V. Falkland.</i> )	Talbot de Malahide, L.
Lismore, L. ( <i>V. Lis- more.</i> )	Taunton, L.
Llanover, L.	Wodehouse, L.
Mont Eagle, L. ( <i>M. Sligo.</i> )	Wynford, L.

#### Further Amendments made.

THE EARL OF DONOUGHMORE gave notice that on Thursday next he should move that Clause 20 be struck out.

LORD STANLEY OF ALDERLEY trusted that the noble Lord would acquiesce in the decision at which the House had already arrived.

THE EARL OF DONOUGHMORE regretted that he could not do so.

THE EARL OF MALMESBURY protested against the unfairness of repeating these fights when the House was daily becoming thinner and thinner. Did Irish Members, he asked, know what they had done? They had actually prevented themselves from catching salmon more than a third of the year.

Bill to be read 3<sup>d</sup> on Thursday next; and to be printed as amended. (No. 236.)

House adjourned at a quarter past Eight o'clock, to Thursday next, a quarter before Five o'clock.

#### HOUSE OF COMMONS,

*Tuesday, July 21, 1863.*

MINUTES.]—PUBLIC BILLS—*Resolution in Committee*—Rum.

*First Reading*—Rum Duty [Bill 256].

*Second Reading*—Consolidated Fund (Appropriation); Clergymen (Colonies) (*Lords*) [Bill 251]; Alterations in Judges' Circuits (*Lords*) [Bill 252]; Superannuations (Union Officers) [Bill 253].

*Committee*—Augmentation of Benefices (*Lords*) [Bill 134]—R.F.

*Considered as amended*—Land Tax Commissioners' Names [Bill 239].

*Third Reading*—Promissory Notes and Bills of Exchange [Bill 218]; Indemnity; Colonial Letters Patent (*Lords*) [Bill 237]; Jurisdiction of Justices (*Lords*) [Bill 232]; Pauper Lunatic Asylums [Bill 234]; and severally passed.

*Withdrawn*—Petty Offences [Bill 240]; Railway Bills (No 2) [Bill 216].

CONSOLIDATED FUND (APPROPRIATION) BILL.—SECOND READING.

Order for Second Reading *read*.

SIR HENRY WILLOUGHBY remarked, that when the Government were pressing forward a measure with the view of closing the Session, it was their duty to protect the House from the introduction of Bills of an important character. Since the introduction of the Appropriation Bill an important measure had been for the first time introduced, which would have the effect of imposing a very heavy burden upon a large class of property. He alluded to the Bill to provide Superannuation for Officers of Workhouses. He hoped the Government would not pass such a Bill within the last few days of the Session. He also wished to ask what precautions were taken to secure publicity previous to any sale or lease of Crown property, for building or other purposes. It was very desirable that the whole world should know when Crown property was in the market, so that no complaint or suspicion of unfairness could arise. Some Crown land had lately been leased in the metropolis, and it had been contended that it went for less than its value, because only a favoured few knew that it was to be had. The Treasury was responsible in the House for the Department of Woods and Forests, and he wished to know what rules, if any, were adopted to secure due publicity in any sale or lease of Crown Lands.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the hon. Baronet was quite right in the principle which he laid down—that the utmost caution should be exercised in passing any Bill which imposed a public charge at a period so late in the Session as the introduction of the Appropriation Act. With the contents of the particular Bill to which the hon. Baronet had referred he (the Chancellor of the Exchequer) was not conversant; but no application having been made to the Treasury on the subject, he took it for granted that it could not be a Bill for imposing a charge upon the public, and must exclusively refer to local arrangements. As regarded the other point adverted to by the hon. Baronet, the Treasury had felt very considerable difficulty about laying down one invariable rule which should govern all proceedings with respect to the disposal of State or Crown Lands. He was not prepared to meet with a decisive negative the declaration of the hon. Baronet, that in his opinion there ought to

be in all cases some public proceeding. At the same time publicity in such cases sometimes failed in its object, and it was found better to proceed by private contract. He presumed the hon. Baronet referred to the recent lease of land in Carlton House Terrace. He was not prepared to say that the utmost possible value had been obtained for the land; but being himself a lessee of the ground within fifty yards of the spot, he would state that himself and the other lessees thought their ground rent heavy in amount. The ground rent, however, agreed to be paid by the lessees in question was very considerably heavier than his own. The subject was one fairly deserving future consideration by the House.

Bill read 2<sup>d</sup>, and committed for To-morrow.

AUGMENTATION OF BENEFICES  
BILL (*Lords*).

[BILL 134.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Parties desirous of purchasing Advowsons to make an Offer to the Lord Chancellor stating Terms).

LORD HOTHAM said, he wished to ask whether the Lord Chancellor was to have the power of selling vacant livings.

THE SOLICITOR GENERAL said, that would be a simoniacal transaction, and nothing in the Bill would enable it to be done. There was a clause in the Bill as it originally stood authorizing that to be done, but it had been struck out.

Clause *agreed to*.

Clause 3 (More Offers than One may be received).

MR. LYALL said, he desired to ask whether any future Lord Chancellor would be bound to carry out the Act, or whether it was only permissive.

THE SOLICITOR GENERAL said, the Bill was quite permissive in that respect.

MR. BRISCOE said, he could not but complain that the Bill had been submitted to the House without sufficient information, and at a time of the Session when it could not be fairly considered.

MR. AYKTON said, he had given notice of an Amendment on Clause 2, and he had to apologize to the Committee for not having been present when the clause was passed. He would, however, move his Amendment on the clause under consideration. He regarded the Bill as a measure



for promoting the worst abuses of the Church of England, and for promoting simony in its most objectionable form. Nothing could be more unfortunate for the Church of England than that livings should be held in private hands and bestowed for private ends. The object of the Bill, it was alleged, was to sell the advowsons to the principal landowner of the parish, but there were no indications in the Bill that such was the intention. It was a common thing to see advertisements of advowsons to be sold, and the parishioners had incumbents imposed upon them without having the slightest control of the matter. That was a fruitful cause of dissent. He proposed to limit the right of purchase to persons interested in the parish, and should therefore move an Amendment to leave out "desirous of purchasing any of the said advowsons," and insert "being an owner or occupier of land in the parish to which any of the said advowsons relate, desirous of purchasing the advowson of the living of such parish." If the Committee adopted his Amendment, security would be taken that the livings would not fall into the hands of speculators and jobbers in advowsons.

#### Amendment proposed,

At the end of the Clause, to add the words "Provided the Lord Chancellor shall not accept an offer from any person other than a person being an owner or occupier of land in the parish to which any of the said advowsons relate."—(*Mr. Ayrton.*)

SIR GEORGE GREY observed, that the hon. Gentleman the Member for the Tower Hamlets had overlooked one most important object of the Bill. It was intended not much to divest the Lord Chancellor of Church patronage which it was inconvenient to bestow, as to augment livings now under £200 per annum—many far less than that amount, and which were a scandal to the Church. A great deal could be said for and against the sale of Church livings, but the right to sell that description of property existed by law; the sale would not be made under the Bill for mere gain, and the money would be returned to the Church, and would increase the endowment of the living sold, and thereby give the clergyman greater power properly to fulfil the duties of his position. If a restriction of this kind were to be imposed, it would be difficult to give effect to the Bill. It might be difficult to find a landowner in the parish who was willing to become the purchaser of the advowson, while a neigh-

bouring landowner might have an interest in the parish, and might be desirous of augmenting the living by purchasing the advowson. Moreover, the Amendment would be no security that the purchasers should be members of the Church of England, and therefore the object of the hon. Gentleman would fail—namely, to keep the presentations in the hands of members of the Church.

MR. HUBBARD said, he thought the Amendment unnecessary, as there would be no temptation to any one to buy livings of that character except for the purpose of augmenting the living. Besides, it would be easily defeated by the intending purchaser becoming an occupier of land in the parish for a short period.

MR. F. S. POWELL observed, that it was an advantage that the patronage of large and populous livings should be in the hands of the Lord Chancellor, who exercised it under the influence of public opinion.

THE SOLICITOR GENERAL said, the object of the Bill was not to do away with the system of public patronage, but to augment small livings. The manner in which the Bill would be administered would appear in the returns which would be laid before Parliament, and it could not, therefore, be reasonably presumed that the Lord Chancellor would be disposed to throw away any living upon terms much less favourable to the Church than those which he ought to insist upon.

MR. HENLEY said, it was always held out that people interested in the parish were likely to buy these small advowsons, and he therefore thought that the principle of the Amendment was sound. Take a living worth £125, and suppose that it sold for £1,000, which, added to the endowment, would make an addition of £35 a year. Now, would it be more likely to benefit the Church to raise the value of such a living from £125 to £160, leaving it in private hands, or to maintain the patronage in the hands of responsible men like the Lord Chancellor? If the livings were not purchased by persons living in the parish, they could only be acquired from religious and spiritual motives. It was well known that there were trusts for buying up livings for incumbents of particular religious opinions. The only difficulty he felt in regard to the Amendment was that it would be inoperative. It provided that a living could only be bought by an owner or occupier in the particular parish; so that

*Mr. Ayrton*

if a person wished to buy a living, he had only to rent a £5 occupation, and then he would be entitled as an "occupier." At the same time, he thought it would be desirable that the purchase of these advowsons should be confined to the owners of the parish in question or some neighbouring parish. If that were not done, those small livings would be purchased for jobbing purposes. He wished to know whether these advowsons were the property of the Crown. The preamble stated that the Lord Chancellor was entitled to nominate to these livings. If, however, they belonged to the Crown, the Committee ought to have some scruples about selling property belonging to the Crown; because if they once began to do that, he did not know where they might stop.

MR. WARNER said, he would submit that the retention of the word "owner" in the Amendment, unless the meaning of the term were defined, would defeat the object of the hon. Member for the Tower Hamlets, because under the Amendment the shareholders in a land society might become the purchasers, as they would be owners of land in the parish. He thought only such landowners should be allowed to purchase as were possessed of land at least to the value of the living.

MR. GOSCHEN thought it would be unwise to limit the operation of the clause to the extent that must be done if they were to define who were to be the purchasers. There were a great many people in a parish who might be interested in the Church who were not owners of land. He did not think there was any fear of much trafficking in these livings, as the Lord Chancellor was not obliged to accept the highest offer, and he would therefore select the most eligible purchaser.

LORD STANLEY said, that the effect of the Amendment would be, that whatever bidding any owner in the parish might make above the minimum price, it must be accepted. The owners in the parish must be the buyers, and the property would thus be depreciated. A person might hold only a single freehold house in a parish, yet the Amendment would give him a preferential right to buy the living. It would be much better to have unlimited competition for the livings.

MR. WYKEHAM MARTIN said, he knew a living where the Lord Chancellor, who was the patron, had not been able to find a proper incumbent for the last hundred years. At present the living was

under sequestration. Some time ago £800 was raised to increase the endowment, but it was not applied to the object it was raised for. The only landowner was himself, and he was not in a pecuniary position to purchase the advowson. Their only chance was that some rich manufacturer who took an interest in the church would purchase the advowson; but if the Amendment were carried, he did not see how they were to be relieved at all.

MR. PULLER said, he held it to be of great importance to the Church that the patronage of livings should not be vested in any one class. The patronage of private persons was not the worst bestowed of any in the Church. It must not be forgotten that the distribution of livings in the hands of the Lord Chancellor had always been very much influenced by political considerations. When he first entered that House an old and experienced Member of Parliament said to him, "It will be your business to watch carefully for any living vacant in your county that may be in the gift of the Lord Chancellor." He believed that no such living had yet become vacant, but his adviser was an old politician, who knew how these livings were disposed of. Of one thing, however, he was quite certain, and that was that the worst arrangement of all was when the incumbent was elected by the parishioners. He knew a parish where the quarrels engendered by one election were not forgotten till the next election came round. He thought that the motives of persons in buying advowsons should not be scanned too closely. Men acted from mixed motives. He hoped the hon. Member would not press his Amendment.

MR. SEYMOUR FITZGERALD said, that under the machinery of the Bill there would be great inducement to trafficking in these livings, because, suppose a living worth £100 a year were to be sold for £1,000, as that £1,000 would be applied to the augmentation of the living, its value would be proportionately increased immediately after the purchase. He would support the Amendment, suggesting, however, the omission of the word occupier, and that the area within which an owner might reside should extend beyond the parish.

LORD JOHN MANNERS said, some evils no doubt attended private patronage, but in the part of the country he was best acquainted with the cases which caused the most scandal were the Chancellor's livings. It would be a great evil if these

livings got into the hands of corporations, for corporations, as they all knew, had no souls. They all agreed it would be a pity if facilities were given by the Bill for encouraging particular forms of belief.

MR. HENRY SEYMOUR said, he did not think there was much danger in the Bill causing a traffic in the livings, because the advowson of a living under £200 a year was hardly worth anything in the market. He considered that the Lord Chancellor might be trusted with the disposal of these livings without the proposed restriction.

SIR WILLIAM JOLLIFFE said, he would suggest, that in order to prevent societies from purchasing livings with a view to propagate certain theological opinions, the power of purchasing should be limited to corporations legally empowered to hold advowsons.

THE SOLICITOR GENERAL said, a subsequent clause provided that no corporation should hold more than four livings at a time, a provision which would effectually prevent societies taking advantage of the Bill for the purpose of spreading their own peculiar opinions.

MR. AYRTON said, that a Bill had been brought in by the hon. and learned Solicitor General consolidating the law on the Church Building Acts, which had since been referred to a Select Committee, and had not since been heard of. He wished that that Bill had been before the House, as it would have enabled the Committee to discuss the clause before them with greater advantage. He did not wish to reflect upon private patronage, but the extent to which simony prevailed was notorious. He had no objection to the omission of the word "occupier," if the Committee would affirm the principle of his Amendment.

Question put, "That those words be there added."

The Committee *divided*: — Ayes 17; Noes 45: Majority 28.

Clause *agreed to*; as was Clause 4.

Clause 5 (Purchasers may pay the Money into the Bank or in other Modes, with Consent of Lord Chancellor).

LORD JOHN MANNERS said, he wished to move an Amendment, empowering the purchaser of an advowson to pay for or satisfy the same by (among other modes) conveying tithe rentcharges arising within the parish of an equivalent yearly value. His object was to facilitate the restoration of the great tithes to the Church.

*Lord John Manners*

Amendment *agreed to*: — Clause *agreed to*.

Clauses 6 to 19 were also *agreed to*.

Clause 20 (Corporations may purchase these Advowsons).

SIR WILLIAM JOLLIFFE said, he would move the insertion of words limiting the clause to corporations now entitled by law to hold Advowsons.

THE SOLICITOR GENERAL had no objection to the Amendment, if the words "and present to benefices" were added.

MR. F. S. POWELL said, that the Bill attempted to restrict the number of livings held by any body of trustees to four. If, however, a body of five gentlemen wished to purchase livings under the Bill for the support of particular religious views, they could buy four livings each, making twenty; and four livings more as a body of trustees, making twenty-four in all.

Clause, as amended, *agreed to*.

Clauses 21 to 30 were also *agreed to*.

Clause 31 (Remuneration to Secretary of Presentations).

MR. CAVENDISH BENTINCK said, he would move that the clause be omitted. As he had himself filled the office of Secretary of the Presentations, he could speak with some knowledge of its duties. In 1852, when he filled the office under Lord Chancellor St. Leonards, the salary was paid by fees, and averaged £250 a year. The salary was afterwards increased by Sir J. Romilly's Act to £400. The duties of the secretary were to answer a few letters and look after the deeds connected with the livings. The office was, indeed, virtually a sinecure, and it was usually filled by some member of the Lord Chancellor's family. As the secretary had nothing to do but to answer a few letters and see to a few deeds, the present salary £400 a year was, he thought, quite enough.

THE SOLICITOR GENERAL said, that the office was then held by a gentleman of the bar of high attainments, who was not a member of the Lord Chancellor's family. As the secretary would have a considerable correspondence to conduct and a great deal of labour thrown upon him, although it might be only temporary, he hoped the Committee would agree to the clause.

LORD JOHN MANNERS said, he would remind the Committee that they had just passed a clause prohibiting the Lord Chancellor from augmenting any benefice, even in town parishes, to more than £400 a year; yet by the clause the Committee were asked to pay a secretary more than

£400 a year, who was already abundantly remunerated by that sum.

MR. HENLEY said, he thought that no case had been made out for giving the Secretary of Presentations the additional salary. Perhaps his duties would be lessened by the Bill. At all events, he did not see why the Committee should give that officer a statuable share of the spoil.

Question put, "That the clause stand part of the Bill."

The Committee divided:—Ayes 24; Noes 37: Majority 13.

Clause struck out.

House resumed.

Committee report Progress; to sit again To-morrow.

## THE CHURCH IN IRELAND.

### QUESTION.

SIR HERVEY BRUCE said, he wished to ask the Chief Secretary for Ireland, When the Returns as to the Established Church in Ireland, moved for by Sir Frederick Heygate, and ordered by the House on the 5th day of May, will be laid upon the table?

SIR ROBERT PEEL said, in reply, that there had been considerable difficulty in getting the Returns in question. This arose from the fact that half the Returns had to be made by the Ecclesiastical Authorities and half by the Registrars of the Dioceses, and neither knew what the other would furnish. Returns had been received from twelve Registrars, but they had yet to come in from eleven others; and it was impossible to say when the Returns would be complete.

## CLOONE LOAN FUND.—QUESTION.

MR. W. O. GORE said, he wished to ask the Chief Secretary for Ireland, When the Report relative to the Cloone Loan Fund, moved for on the 28th of May, is likely to be placed on the table of the House?

SIR ROBERT PEEL said, the Report was very voluminous, but it would certainly be presented on Thursday next.

## PROMOTION IN THE DOCKYARDS.

### QUESTION.

MR. FERRAND said, he rose to ask the Secretary to the Admiralty, Why the Board have promoted — Waymouth, lately Foreman of Shipwrights at a salary

of £250 per annum at the Devonport yard, to be a Timber Inspector at Deptford yard at a salary of £350, in contravention of their own order limiting the age for promotion of leading men and officers to fifty years, the said — Waymouth being upwards of sixty-eight years of age; whether he passed an examination previous to his being promoted, and whether he ever passed any examination at all; why the office of Timber Inspector at Devonport is not filled up; and whether the Admiralty do not intend, after Waymouth has been a short time at Deptford, to bring him back to Devonport at the highest salary of £400 a year, thus entitling him to the highest scale of superannuation.

LORD CLARENCE PAGET said, in reply, that the hon. Gentleman made an assumption which was not borne out by the fact. There was no contravention of any order of the Admiralty in the recent appointment of Mr. Waymouth to the office of a timber inspector at Deptford; and he was surprised that the hon. Gentleman had fallen into that error, because he had, not many days ago, moved for a copy of the Admiralty regulations with respect to promotion in the dockyards. The rule was that no person beyond the age of forty-five, and in some cases fifty, was to be examined for promotion to higher grades; and there were several situations given without any examination—namely, those situations which required no higher qualification than those which the parties had already filled. Mr. Waymouth was a foreman of shipwrights, and a foreman of shipwrights was eligible to the office of an assistant master shipwright as long as he possessed the necessary vigour for the discharge of its duties. But if he did not possess that vigour, he might be appointed a timber inspector, an appointment which did not require the same amount of activity, but for which he should possess a considerable knowledge of his special business. Mr. Waymouth had been removed to the latter office, and it was one which he was perfectly capable of filling, although he had attained an advanced age. That was his (Lord Clarence Paget's) answer to the hon. Gentleman's first question. In reply to the second question, he had to state, that no examination was required previously to an appointment to the office of a timber inspector; and further, that Mr. Waymouth had been made a foreman of the yard in the year 1847, and before any regulations

had been made with respect to examinations for any of those offices. The third question of the hon. Gentleman was, why the office of timber inspector at Devonport had not yet been filled up? and he (Lord Clarence Paget) had to observe, in reply, that that subject was under the consideration of the noble Duke at the head of the Board of Admiralty. In answer to the fourth question of the hon. Gentleman, he had to state, that he was not aware of any intention on the part of the Admiralty to send Mr. Waymouth back to Devonport.

MR. FERRAND wished to know, whether Mr. Waymouth, after having first held the office of a timber inspector at Devonport, had not been removed to Deptford with an addition of £100 to his salary?

LORD CLARENCE PAGET said, that the only increase of salary Mr. Waymouth received was the difference between that of foreman of the yard and timber inspector.

#### DOCKYARD APPRENTICES.

##### QUESTION.

SIR ARTHUR BULLER said, he would now beg to ask the Secretary to the Admiralty, Whether in the Indentures of Apprenticeship entered into by Apprentices in the Dockyard of Devonport there is not a covenant on the part of Her Majesty, that "every Apprentice duly observing, performing, and keeping all the covenants and agreements on his part thereinbefore contained, shall be properly taught and instructed in his said art or occupation so as to qualify him (if he shall duly serve his Apprenticeship) to be regularly entered and employed in one of Her Majesty's yards;" whether the construction uniformly put upon this covenant up to last May has not been that the Apprentice should, on the completion of his Apprenticeship, be considered as placed on the establishment; whether an order was not issued by the Admiralty in May last, "that no Apprentice on the completion of his Apprenticeship shall be placed on the establishment (as had hitherto been the case);" and whether it is just and fair that that order should be made applicable to Apprentices who entered into their Indentures upon the faith of the then accepted interpretation of the above-mentioned covenant?

LORD CLARENCE PAGET said, in reply, that in the year 1859, when Her Majesty's Government came into office, they found there was an Order in Council

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establishing a certain number of artificers in Her Majesty's Dockyards. That Order laid down the number of those artificers at 9,621, but the actual number in the Dockyards at the time was 10,850. One of the first objects of the Board of Admiralty was to reduce the establishment to the number required by the Order in Council; and for the purpose of accomplishing that object they arranged, that whenever a vacancy occurred they should appoint, instead of an established man, a hired man, the latter not being entitled to a superannuation allowance. But they still found that they could not practically effect any reduction in the establishment so long as the practice which had been introduced a few years previously of placing apprentices out of their time at once on the establishment, whether there were vacancies or not, should continue in force; and they therefore decided that apprentices out of their time should be employed as hired men, and that they should only be placed on the establishment when vacancies occurred. His hon. Friend seemed to assume that in adopting that resolution they were breaking faith with the apprentices. But that was not the case; and the practice of placing apprentices on the establishment whether there were vacancies or not was of recent origin. He had further to observe that the apprentices in Her Majesty's Dockyards were placed in a very favourable position. From the day they entered the yard they were paid and taught their business at the public expense, and that was an advantage which apprentices did not enjoy in private yards. He should even say that he doubted whether they were not treated with undue favour, and whether it was quite fair that they should receive the preference given them over hired men.

#### ARMY—ALDERSHOT CAMP.

##### QUESTION.

COLONEL CRICHTON STUART said, he would beg to ask the Under Secretary of State for War, How many men were sent to Hospital, and whether two men died in consequence of too long exposure to the heat, on the occasion of the recent Review at Aldershot; and also whether it is intended to provide in the huts at Aldershot one room for each soldier married with leave, more than one family being now lodged in one room?

THE MARQUESS OF HARTINGTON, in reply, said, he was very happy to be able to

state that there had been some exaggeration in regard to what happened at the late Review at Aldershot. He would read an extract from the Report of the Inspector General of Hospitals at Aldershot for the week ending the 17th of July 1863, which would explain the matter—

“There is a slight increase in the ratio of sick to strength. This increase is principally noticeable in the order ‘miasmatic’ diseases, and is due probably to the unusual heat of the weather, to which, under circumstances of considerable fatigue, the men were exposed at the grand field-day on the 14th instant. On that occasion Sergeant James Casey, 87th Fusiliers, fell dead in the ranks. The *post mortem* examination showed valvular disease of the heart of long standing, of which the man had not complained. The above is the only death that occurred on the field-day. The man died on the march to, and not at, the Review, and his death is not, therefore, attributable to length of exposure.”

As to the other question of the hon. and gallant Gentleman, there was certainly not so much accommodation at Aldershot as was desirable, but more than one family never lived in a single room. Considerable improvements had already been effected in the accommodation for the soldiers, but he did not deny that something still remained to be done in that way; the subject, however, was under consideration. The House, notwithstanding, must remember that any improvement must cost money.

### THE IONIAN ISLANDS.

#### QUESTION.

LORD JOHN MANNERS said, he would beg to ask the First Lord of the Treasury. Whether instructions have been sent to our Naval authorities off the coast of Greece to refuse protection to the Ionian subjects of Her Majesty; and whether, as the 8th Article of the Treaty of Paris, November 5, 1815, invites the accession of the Ottoman Porte to that Convention, as well as that of the Powers which signed the Treaties of May 30, 1814, and of June 9, 1815, it is the intention of Her Majesty's Government to invite the Porte to attend the Conference about to be held on the proposed cession of the Ionian Islands to Greece? With regard to the second Question, the noble Lord had stated the other night that inasmuch as Turkey was not a party to the Treaty of Vienna, she had no right to be consulted, and would not be. The Treaty by which the Ionian Islands were placed under the protectorate of Great Britain contained only the signa-

tures of the Representatives of Great Britain, France and Russia; but by the 8th Article of the Treaty of Paris, Turkey was named among the Powers whose accession was invited; and by the Act of the 24th of April 1819 Turkey formally adhered to the first-named Treaty, and by virtue of which she is entitled to take her place at the proposed Congress.

VISCOUNT PALMERSTON: With regard, Sir, to the first Question, no Instructions of the nature mentioned by the noble Lord have been sent to the Naval or Military authorities or Diplomatic Agents of Her Majesty, and for this plain and obvious reason, that no change has taken place in the relation of the Ionian Islands to the Crown of Great Britain—they are still under the Protectorate of England; and therefore there can be no reason why, in anticipation of an event which has not yet happened, that protection to which the Ionian Islands are entitled should be withdrawn from them. With regard to his second Question, the noble Lord is partly right and partly misinformed. It is true, that by the Treaty between England, France, and Russia, it was stipulated that the accession of Turkey and of the two Sicilies should be invited. But though Turkey was named in the invitation at that time, the Sultan, for views of his own, was disinclined to connect himself with any European transactions, and declined to be an acceding party. There was a Convention two years afterwards, but it had a different object in view. A negotiation had been going on with regard to the protection of Parga, which had formerly belonged to the Ionian State; but the English Government then agreed to renounce all claim to it, and acknowledged it to be part of the Turkish territory. In return for that, the Sultan did not accede to the Treaty by which the Ionian Islands were placed under the Protectorate of Great Britain, but acknowledged those Seven Islands as a British possession, and engaged to treat the Ionians with all the privileges of British subjects. It was not a Treaty confirming the Protectorate of the Ionian Islands under Great Britain, but acknowledging it as an established fact, and deducing from that fact the concessions which were due to the Ionian subjects. Consequently Turkey is not entitled as an acceding party to the Treaty to be a party to any Conference for the transfer of the Ionian Islands to Greece.

**LORD JOHN MANNERS**: Is the noble Lord aware that the Treaty to which he has referred is actually headed the Act of Accession to the Treaty of 1815?

**VISCOUNT PALMERSTON**: I have had occasion to look over it with some care, and I think the noble Lord will find it such as I have described.

**MR. BAILLIE COCHRANE**: Perhaps the noble Lord can tell us whether the events which have recently occurred at Athens are likely to lead to delay in the arrival of the King?

**VISCOUNT PALMERSTON**: The King must determine for himself when he will go. But if I am asked whether I see any reason in what has happened for delay, I say I see none certainly.

#### THE IRISH INDUSTRIAL MUSEUM.

##### QUESTION.

**MR. GREGORY** said, he wished to ask the Chief Secretary for Ireland, Whether the Government is prepared, in deference to wishes expressed by so many Irish Members, to defer for the present the amalgamation of the Irish Industrial Museums with the Royal Dublin Society?

**SIR ROBERT PEEL** stated, in reply, that in consequence of what appeared to be the general feeling of Irish Members, the amalgamation of the Irish Industrial Museum with the Royal Dublin Society would not be carried into effect before the next Session. But although nothing had at present been done with regard to the amalgamation, the matter was not abandoned, but would be further considered.

#### EXPORTS FROM NEW YORK.

##### QUESTION.

**MR. SEYMOUR FITZGERALD**: I gave notice to the noble Lord at the head of the Government that on the Report of Supply, or on going into Committee of Ways and Means, I should ask a Question with reference to the proceedings of the Federal authorities at the port of New York; but as I shall not have that opportunity, I beg to put the Question now. The Federal Government have required British subjects exporting goods from New York to enter into a bond that no portion of those goods should afterwards fall into the hands of any person connected with the Confederate States. The noble Lord at the end of last Session spoke of this as a breach of the Treaty between this country and the United States, and some Cor-

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respondence ensued with reference to it which has never been laid on the table of the House. But the course complained of by the noble Lord is still persisted in by the Federal authorities at New York; and not only that, but the Federal Consuls at various ports refuse clearances to British vessels unless bonds of that nature are entered into by the captains. I therefore wish to ask whether the noble Lord's attention has been called to the continuance of this practice, and whether any further Correspondence has taken place upon the subject between this Government and the Government of the United States.

**VISCOUNT PALMERSTON** replied, that, in the opinion of Her Majesty's Government, the practice alluded to by the hon. Gentleman was not consistent with the international rights of this country, and was a breach of our Treaties with the United States. In answer to a remonstrance addressed to them to that effect, the Federal Government promised to give such orders as would put an end to the thing complained of; but he was afraid that those orders had not been quite effectual, because representations had recently been made to Her Majesty's Government of an instance in which the practice of requiring bonds had been repeated. Thereupon a further communication had been addressed to the Federal Government, and he could not but hope, that when the matter was brought again under their consideration, they would take effectual steps to prevent the recurrence of the practice.

**MR. SEYMOUR FITZGERALD** said, the Correspondence had been laid before Congress, but in an incomplete form; and he wanted to know whether there would be any objection to lay the Correspondence that had already taken place, and any further Correspondence on the subject, on the table of the House?

**VISCOUNT PALMERSTON** replied, that there would be no objection.

#### AFFAIRS OF POLAND.

##### QUESTION.

**MR. HENNESSY** said, he wished to ask, Whether the Government are in possession of a Copy of the Despatch from Prince Gortschakoff to the French Government on the six points; and, if so, whether they will lay it on the table?

**VISCOUNT PALMERSTON** replied, that the Government were not in possession of an authorized Copy which they could present to Parliament.

## PROXY VOTING PAPERS.

## RESOLUTION.

MR. DARBY GRIFFITH said, he rose to move the following Resolution:—

"That the present amount of Stamp Duty on Proxy Voting Papers, involving the necessity of procuring a Stamp of a particular amount, not always easily accessible to the Voter, and thus impeding the exercise of a franchise, and also, according to the analogy of Draft and Receipt Stamps, excessive in amount in comparison with such Stamps, and not involving consideration of importance to the Revenue, might conveniently be reduced to one penny."

The tax on a proxy voting paper was sixpence. The state of the law on the subject was anomalous, while there was often much difficulty in procuring the necessary stamp. This gave great facilities to directors of large companies to obtain proxies by sending them out already stamped, and then charge the expenditure to the company, so that it was in fact almost impossible for any private shareholder to secure proxies to be used as against the directors. So much did the present tax impede the operation of voting in the ordinary way of sending out proxies that they were generally confined to what were called "star" shareholders—gentlemen holding a certain qualification in stock. The revenue derived from this source did not exceed some £15,000; and he believed that if the reduction which he recommended took place, proxies could be much more extensively used, and no loss of revenue would result from the change.

MR. WHALLEY said, he would second the Motion. He begged to call in aid of the Resolution the testimony of the right hon. Gentleman the President of the Board of Trade, who had been engaged throughout the Session in investigating the causes of and the remedies for the present discreditable state of railway legislation. One result to be deduced from the evidence before them was, that railway managers involved their shareholders in almost unceasing litigation, and that on the part of the great companies that litigation had for its chief object the prevention of the further extension of railways, thus putting a stop to these most beneficial investments. If the Motion of the hon. Gentleman were acceded to, it would give access, in the management of railways, to the general body of shareholders, instead of, as at present, practically limiting the management to the board itself, and to such persons as might receive proxies. He be-

lieved a penny would be habitually paid, rather than that shareholders would exclude themselves, as at present, from all voice in the management. In that way the Chancellor of the Exchequer would be wholly recouped.

Motion made, and Question proposed,

"That the present amount of Stamp Duty on Proxy Voting Papers, involving the necessity of procuring a Stamp of a particular amount, not always easily accessible to the Voter, and thus impeding the exercise of a franchise, and also, according to the analogy of Draft and Receipt Stamps, excessive in amount in comparison with such Stamps, and not involving consideration of importance to the Revenue, might conveniently be reduced to one penny."—(*Mr. Darby Griffith.*)

THE CHANCELLOR OF THE EXCHEQUER said, he felt that it would be almost pedantic on his part if, in regard to a question of such fiscal importance, he raised any debate on the form of the hon. Gentleman's Motion, particularly as he thought his object rather was to draw attention to the subject and try the ground for future proceeding, if he should think fit, than to press the Motion in its present shape on the acceptance of the House. He admitted that there was a good deal of force in what had fallen from the hon. Members who had addressed the House. The question of railway policy was indeed a very large one, and the Motion touched but a very small and infinitesimal part of it. But still he did not at all deny that it was a question which might have its importance. As far as Government was concerned, they had shown no indisposition to facilitate the exercise by proprietors of joint-stock companies of their privilege through the medium of proxies; because not a very great many years ago, as late as 1844, the tax on these proxies was 30s. each, and it had been reduced by different Acts, some of which he had himself proposed, from 30s. to 6d. They had, therefore, shown every disposition to facilitate the increased action of shareholders in joint-stock companies without the expense of personal presence. The question in his mind really was this—in the first place, would it be agreeable to these joint-stock companies in general, and particularly to railway companies, that still further facilities for the use of proxies should be given; and secondly, was it likely that if the stamp on proxies was reduced, as proposed by the hon. Gentleman opposite, the number of proxies issued would be very largely increased? He did not attach much importance to the second of these reasons, but he



admitted that the question of giving facilities to proprietors of shares in joint-stock companies was not without importance, and he only wished for evidence of such a desire to enable him to form an opinion. The hon. Gentleman had said, that if he had had a little more time, he would have been able to show by evidence that such a desire did exist. He (the Chancellor of the Exchequer) did not say that the desire did not exist, but only that he had no evidence of it. Of course the action of the hon. Gentleman in raising the question would have the effect of calling attention to the matter. The hon. Gentleman was justified in what he had done, and he trusted the effect would be to place him in a position to come to a decision, and on the part of the Government to make a proposition to Parliament upon the subject. He hoped the hon. Member would be satisfied with that explanation, and would not press his Motion.

MR. DARBY GRIFFITH said, that he had to thank the right hon. Gentleman for his fair and courteous reply, and to intimate that he would not press his Motion.

Motion, by leave, *withdrawn*.

#### DEATH OF LIEUTENANT TINLING.

##### PAPERS MOVED FOR.

COLONEL SYKES said, he rose to call attention to a despatch of Admiral Kuper, dated the 14th of April 1863, reporting the death of Lieutenant Tinling, of Her Majesty's ship *Encounter*, at the siege of Show-shing, in China. His first object was to elicit from the noble Lord the Secretary to the Admiralty an admission that he had been incorrect in saying upon a former occasion that Lieutenant Tinling had lost his life through his own indiscretion, and when acting as an amateur. In consequence of that statement, he (Colonel Sykes) had received a letter from Sir Arthur Elton, who was formerly a Member of that House, and uncle to that young and promising officer, stating that the family felt aggrieved and deeply wounded at it being imputed to the young officer that he lost his life through his own indiscretion, when, in fact, he lost it while performing his duty in the service of the country and under the orders of his superior officer. He had also received a letter from the young man's father to the same effect. In the first communication of the misfortune to Admiral Kuper by Captain Dew, of the *En-*

*The Chancellor of the Exchequer*

*counter*, he stated that the young man was killed under the walls of Show-shing, on the 5th of March 1863. Now, that city is many miles beyond the radius from a treaty port, within which military operations might be carried on against the Taepings; the presence, therefore, of Captain Dew and Lieutenant Tinling at the siege of Show-shing was in direct violation of orders. In consequence, Admiral Kuper called upon Captain Dew "to explain under what circumstances the deceased officer had been engaged in hostile operations at that place, situated eighty or ninety miles from the city of Ningpo." Captain Dew, in his reply, dated the 13th of April, said Lieutenant Tinling had accompanied him to the front, but that he had given the strictest orders to Lieutenant Tinling and the other officers with him not to act against the Taepings, or run any risk by exposing themselves; and that he himself was there to prevent any false step being taken by the Chinese disciplined force which might have imperilled Ningpo. He goes to Show-shing to control (by his own admission) the operations of the siege, and yet the Secretary to the Admiralty quotes a letter, in which Captain Dew states, he and Lieutenant Tinling were at Shou-hing as amateurs. The truth, however, appears in a letter written by the Rev. Mr. Maule, who had attended at Ningpo the deathbed of Lieutenant Tinling, addressed to his father. He states, the young officer was directing a large 32-pounder for breaching the walls, when he was struck by a bullet at the side of the neck, and further, that he went up with Captain Dew in charge of that heavy siege gun. Moreover, an 8-inch howitzer had been lent by General Staveley, and Captain Dew wrote to the editor of a Shanghai paper, *The Recorder*, dated 16th March, informing him that the city of Shou-hing had been evacuated by the rebels, and that among the guns used by the attacking force was that very 8-inch howitzer, which he praised for its good service. Surely, there could be no doubt that Lieutenant Tinling was acting under orders, for Captain Dew was standing at some distance from the battery watching the effect of the firing upon the walls, and knew that Lieutenant Tinling was in the battery. The poor father had written to the Admiralty complaining of the noble Lord's statement, that his son was at Show-shing as an amateur, and insisting that he was acting under the instructions of his cap-

tain. To that appeal a reply was sent that all the information possessed by the Admiralty had been presented to the House of Commons in the form of a Return; that, according to the despatches, it appeared uncertain whether Lieutenant Tinling was employed on duty or was simply a spectator, and that therefore it was impossible that the Secretary to the Admiralty could make any further statement in Parliament at that time; but that if it appeared that Lieutenant Tinling was on duty at the time he was wounded, the noble Lord would be happy to make the fact known to the House. That was the only satisfaction which the bereaved father had received for the imputation that his son had sacrificed his life by his own indiscretion. He (Colonel Sykes) hoped, however, that the noble Lord would not delay to give Mr. Tinling the only comfort he could receive, by declaring, as the fact evidently was, that Lieutenant Tinling had fallen while acting under the orders of his captain, and while, therefore, in the discharge of his duty and in the service of his country. It was notorious in China that Captain Dew acted as a partisan throughout the whole of the hostilities between the rebels and the Imperial Government. He himself, in a letter to Admiral Hope, dated Ningpo, 3rd September 1862, speaks in the first person as directing operations—"I keep a strong garrison of a thousand European-drilled Chinese, and fifty artillery at Yu-yao," "and have mounted and well supplied with ammunition eighteen guns of different calibres;" and he finishes by saying—"I have no fear for its safety." It was plainly the same "I" at Show-shing. The Shanghai papers stated that after the failures of the two attacks on Show-shing he was the means of collecting a party of rowdies from all nations, and of Europeans from different ships, for a third attack on the place, promising them unlimited plunder. The place was evacuated, so that there was very little plunder, and the consequence was that these worthies dispersed themselves and plundered the country. He (Colonel Sykes) therefore appealed to the noble Lord to assist him in rescuing the memory of that lamented young officer from the stigma cast upon him.

MR. SPEAKER said, if the hon. and gallant Member did not conclude with a Motion, the whole proceeding was irregular.

COLONEL SYKES said, that for the purpose of putting himself in order, he would move for any further papers on the subject.

Motion made, and Question proposed,

"That there be laid before this House, further Papers respecting the death of Lieutenant Tinling at the siege of Show-shing."—(*Colonel Sykes.*)

LORD CLARENCE PAGET said, he felt extremely grieved if any expression of his had given pain to a family whom he knew by reputation, with regard to a youth whom he had had the happiness of knowing personally, and who was a most gallant and meritorious officer. But the House had unintentionally been rather misled as to the expression used by him which had given pain to a worthy family. He would recall the attention of the hon. and gallant Gentleman to the fact that he had always been most averse to answering any questions as to the particulars concerning the death of Lieutenant Tinling, and that he had told him that the Admiralty had no official information on that subject. His hon. and gallant Friend, however, asked him if he had received any information privately, and he told him that he had seen a letter from Captain Dew the expressions in which led him to believe that the officers were present at Show-shing as amateurs. The hon. and gallant Gentleman then requested that he would answer a Question in the House on the subject. The House had been led to believe that he answered that Question after having received the official notification of the death of Lieutenant Tinling. [*Colonel Sykes: I did not say that.*] In answer to the Question put by the hon. and gallant Gentleman in the House he stated, that the Admiralty had received no official intelligence as to the death of Lieutenant Tinling, but he referred to a private letter from Captain Dew, who stated that Lieutenant Tinling and he had accompanied certain French officers to the siege as amateurs. That was the expression which gave offence to that estimable family, and he was extremely sorry if the expression had given them pain. But he must leave the House to judge for itself as to whether Captain Dew and Lieutenant Tinling were on duty. The first official information which reached the Admiralty as to the death of Lieutenant Tinling was in a short letter from Captain Dew containing the announcement. A few days afterwards they received the following letter from the Commander-in-Chief of the China Station:

"When Captain Dew reported to me the death of Acting Lieutenant Tinling of the *Encounter* from the effects of a wound received under the walls of Show-shing, I considered it my duty to inquire under what circumstances the deceased officer had been engaged in hostile operations at that place, situated some eighty or ninety miles from the city of Ningpo. The accompanying copy of Captain Dew's reply, although it states that the officers had the strictest orders not to act against the Taepings, shows that he and his officers were present to prevent any false step being taken by the disciplined force; thus, as it would appear, taking a part in hostilities beyond the prescribed limits of thirty miles, and I have informed Captain Dew that in so doing I consider he exceeded his instructions.—I have, &c., "A. L. KUPER,

Rear Admiral and Commander-in-Chief."

Captain Dew addressed the following letter, dated April 13, to Admiral Kuper:—

"Sir,—In reply to your memorandum of the 28th ultimo, calling on me to report under what circumstances the late Acting Lieutenant Tinling, of this ship, was engaged in hostile operations at Show-shing, I have to state that Acting Lieutenant Tinling had accompanied me to the front, whither I had gone to watch the proceedings, and prevent, if possible, any false step being taken by the Chinese disciplined force, which would have at once imperilled Ningpo. Though both Acting Lieutenant Tinling and the other officers with me had the strictest orders not to act against the Taepings, or run any risk by exposing themselves, still I hold myself responsible for the sad fate of this young and promising officer."

In the face of that letter, would he, as the official representative of the Admiralty, have been justified, at a time when the authorities were doing everything to discourage and prevent our officers from mixing themselves up in this desultory warfare in China, and when positive orders were given to the officers not even to go the extent of the thirty miles radius, unless in a case of emergency and for the safety of British life, in stating to the House that Lieutenant Tinling died in the service of the country? He had not the slightest doubt that the young man died feeling that he was doing his duty, for Lieutenant Tinling was an officer who, though perhaps imprudent, would yet, in the exercise of what he considered his public duty, be at his post wherever it might be; but he confessed that in the face of Captain Dew's statement he was not prepared to do what the hon. and gallant Member wished, and state to the House that he had been wrong in his conjecture, and that that officer did die in the execution of his duty. He regretted that the expression he used, to the effect that that officer was an amateur at the scene of operations, had given any pain to his family; but, however much

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the Board of Admiralty felt the loss of a young and meritorious officer, he could not under the circumstances admit that the death occurred in the service of the country; but if he should receive further information—and he might add that a further and more detailed report had been ordered on this affair—showing that he was mistaken, he should then have great pleasure in apologizing.

Mr. WHITE said, that he was very glad that the hon. and gallant Member had brought the subject forward, if it were only for the information he had elicited from the noble Lord as to the very singular manner in which the business of the Admiralty was conducted. Although they were told that peremptory instructions were sent out to China that no one in Her Majesty's service should take part in hostilities against the Taepings beyond the radius of thirty miles, yet it appeared that a British officer in command of a vessel proceeded, accompanied by his subordinate officers, to the siege of a city invested by the Imperialists some hundred miles away from Ningpo; and in the prosecution of hostilities a gallant young officer met with an untimely end. His friends were told that he fell performing an amateur part, whereas from information, if not known to the Admiralty, known to everybody connected with China, it was evident that that young officer and others accompanied their chief with pieces of artillery, one of which, a 32-pounder, was taken. Nevertheless, the noble Lord would not afford to the young officer's friends the satisfaction of telling them that the gallant young man died in the execution of his duty. No conduct could be more barren of sympathy, or more called for severe observation. In spite of instructions from England, a British officer in command of a vessel was found engaged in hostilities beyond the thirty miles radius, and he must observe that it was conduct like that which involved the country in Chinese wars.

Mr. H. BAILLIE said, it was perfectly obvious from the explanation of the noble Lord that Captain Dew had not acted in accordance with the instructions he had received; but the case was very different as regarded Lieutenant Tinling. The expression used in Captain Dew's letter, that he himself was distinctly responsible for the death of the young officer, showed that Lieutenant Tinling must have considered that he was acting under the directions of his superior officer.

COLONEL SYKES said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

# CASE OF MR. GEORGE O'MALLEY IRWIN.

## MOTION FOR AN ADDRESS.

SIR FITZROY KELLY said, he rose to move, pursuant to Notice, that an humble Address be presented to Her Majesty, praying that she may be graciously pleased to grant Her Fiat to the Petition of Right of George O'Malley Irwin, esquire. A most important constitutional question was involved in the matter to which he wished to direct their attention. He should confine himself as briefly as possible to a statement of the facts of the case. Mr. O'Malley Irwin some years ago was charged with the offence of having fabricated a letter with the name of a Mr. Johnston signed to it. Mr. Irwin, however, had always alleged and was ready to prove that the prosecution which was instituted against him was wholly groundless, and contrary to law and practice. When the trial was close at hand, Mr. Irwin caused a subpoena to be served upon the then Chief Secretary for Ireland, with the view of compelling him to give evidence as to certain matters and documents of which he was in possession. That high official, however, disregarded the subpoena, and in utter contempt of the Queen's writ, refused to attend as a witness, and the letters which ought to have been produced were consequently not forthcoming. The result was that Mr. Irwin was convicted. The defendant, however, afterwards applied to the Queen's Bench for a new trial, which was granted him. On the second trial he took the legal means to enforce the attendance of the Government officials, but they again refused obedience to the Queen's writ. In consequence of the absence of the evidence which he believed those gentlemen could give, Mr. O'Malley Irwin was a second time convicted, and sentenced to twelve months' imprisonment, which he underwent. Mr. Irwin next petitioned the Irish Government, and endeavoured to procure something like justice for himself by indicting Mr. Johnston, whose signature he was said to have fabricated, for perjury. Once more he sought to obtain the evidence of the Government officials by the usual legal means; but being again unsuccessful, he failed in the prosecution he had instituted. From that time—and he (Sir Fitzroy Kelly) was speaking of events

which occurred many years ago—Mr. O'Malley Irwin had tried every means to procure redress, but he had up to that time failed to obtain any acknowledgment for the injuries which he had suffered. After the passing of the Act of Parliament for which the country was indebted to his hon. and learned Friend the Member for Guildford (Mr. Bovill), Mr. O'Malley Irwin caused to be prepared for presentation to Her Majesty a Petition of Right; but the right hon. Gentleman the Secretary of State for the Home Department felt it to be his duty to advise the Crown to withhold its fiat to that Petition of Right, and Mr. O'Malley Irwin was again baffled in his endeavours to procure justice. Now, he (Sir Fitzroy Kelly) was prepared to maintain, as a proposition founded upon the constitution and the law of this country, that it was not competent or consistent with the duty of any officer of the Crown to advise the Queen to withhold her fiat to any Petition of Right upon any ground, whether right or wrong, whether well or ill founded. Such an interference was only to be justified in a case where a petition appeared to be founded on fraud or upon gross and manifest error. Having stated briefly the circumstances of the case as his own justification for having given notice of the Motion, he wished to add that it was not his intention, at that late period of the Session, and in so thin a House, to persevere with it; but he should again bring forward the matter in the next Session, when he should be able to claim a fuller and more attentive audience. As, however, the forms of the House required him to make the Motion, he should now conclude by doing so.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to grant Her Fiat to the Petition of Right of George O'Malley Irwin, esquire."—(Sir Fitzroy Kelly.)

THE SOLICITOR GENERAL said, if the hon. and learned Gentleman had confined himself simply to the mere facts of the case and to his Motion, he should not have thought it necessary to say a word. But the hon. and learned Gentleman had gone further, and said that the right hon. Baronet the Home Secretary had misconceived his duty in advising the Queen to withhold her fiat to Mr. Irwin's petition. When the proper time came for discussing this matter, he (the Solicitor General) would be quite prepared to satisfy the House that

the petition had been presented in gross and manifest error, and that no Minister would be justified in advising the Crown to give its fiat to that so-called Petition of Right. Such a proceeding would be a great abuse of privilege, which the advisers of Her Majesty ought not to suffer.

Motion, by leave, *withdrawn*.

#### CASE OF MR. BEWICKE.

##### RESOLUTION.

MR. H. BERKELEY said, he rose to move—

"That the grievances suffered by William Bewicke, as detailed in his Petition to this House, presented upon the 28th of April last, are such as entitle him to the consideration of Her Majesty's Government."

And he wished to invite the attention of the Law Officers of the Crown and the legal Members of that House to the anomalous state of the law which the facts he was about to relate disclosed. Mr. William Bewicke, of Threepwood Hall, in the county of Northumberland, a man of good position and ancient family, having been defeated in an action at law, the sheriff proceeded to levy on his property. The officers employed by the Sheriff of Northumberland for that duty were little less—and he used the words advisedly—than banditti. The records of the petty sessions of Hexham from 1840 to 1861 showed that the first sheriff's officer had been a delinquent frequently brought before the magistrates for sundry breaches of the peace—once for beating his wife, for which he was compelled to find security; and on another occasion for deserting her. That was the gentleman appointed to represent the sheriff and uphold the dignity of the law. The next man was one whom the records of the magistrates' court pointed out to be much connected with poachers, to have been guilty of breaches of the peace, and on one occasion to have been convicted of perjury, and sentenced to seven years' transportation. That sentence was not fully carried out, but after four years of penal servitude the prisoner was released with that admired document a ticket of leave. The third sheriff's officer had been convicted of several assaults, of poaching, of stealing, for which he suffered three months' imprisonment; again of robbery, for which he received twenty-eight days' hard labour; again of stealing from the person, and for larceny he underwent two years' imprisonment. Another of these sheriff's officers had been taken up three

times for breaches of the peace, and once for drunkenness. The last of their number was one of the most expert and notorious poachers in Northumberland; and it might always be observed that poachers and thieves congregated together. These were the persons employed to make the levy upon Threepwood Hall, Mr. Bewicke's property, for about £49. When Mr. Bewicke saw that gang approaching, with a sort of modern Jonathan Wilde at their head, it was not surprising that he should have objected to let them into his house. It was not the mere levy he dreaded, but the abstraction of things beyond it, and he accordingly told them that he would not admit them into his house, but that there was sufficient property outside, which they might take to satisfy the levy. Words arose, and the leader of the banditti produced a brace of pistols, which he handed to his followers. Mr. Bewicke then went for a revolver, and said, "If that is your game, I am perfectly prepared for its being carried out." The bailiff then became civil, and Mr. Bewicke retired within his citadel, fortifying the door, and barricading the windows. The weather was cold, and the bailiff's followers came to him and asked for some refreshment. Being a good-natured man, Mr. Bewicke passed them out some whisky and other things. Next day, unfortunately, he determined to fire his pistol out of the window, in order that it might be cleaned. He told the sheriff's officers that he was about to do so, saying, "Get out of the way; are you all safe?" Their answer was "All right, sir!" Mr. Bewicke fired the pistol, and thought no more about it. The men went away to the magistrates, and asked for a warrant against him for obstructing them in the discharge of their duty, and firing upon them with a pistol loaded with ball, with intent to murder or do them some bodily injury. The magistrates accepted their accusation, and issued the warrant. It was executed, and Mr. Bewicke was carried before the justices. The oaths of these worthless vagabonds were believed, and, strange to say, the magistrates committed that gentleman to prison, at the same time demanding bail for £2,000, which was found in half-an-hour among his neighbours. The assizes approached; Mr. Bewicke, with great imprudence, not having before his eyes the old axiom that the man who pleads his own cause has a fool for his client, defended himself. He

attached very little weight to the evidence of men whose characters were so infamous. He was wrong. He was tried before Mr. Justice Keating, found guilty, and sentenced to four years' penal servitude. No doubt the presiding Judge did his duty as conscientiously as English Judges were generally known to do. No doubt the jury were twelve honest men, and not more stupid than jurymen usually were. That, then, was the first act of this strange drama. Sensation dramas were the rage, but the next act would furnish materials for a more extraordinary play of that kind than had yet appeared, not excepting Mr. Tom Taylor's "Ticket of Leave Man." Mr. Bewicke was consigned to prison. He went, an educated man, among felons; he was forced into the felon's dress, partook of felon's fare, was locked up in the felon's den, and had daily to associate with unlettered villany. No position could have been more unfortunate than that of Mr. Bewicke. Everything around him appeared gloomy. Three more years of that horrible servitude had yet to be endured, when a ray of light broke in upon him from a quarter whence it was little expected. He had had a servant—faithful and attached—a housekeeper. He had called her as a witness. The poor woman's feelings overpowered her. She became hysterical, and she broke down. Her evidence was of no avail. But the moment Mr. Bewicke was consigned to prison this woman seemed to have but one all-absorbing idea—that of unmasking the conspiracy which she knew to exist, liberating her master, and clearing his character. With astonishing perseverance, she proceeded to the work. Though having no legal adviser, she brought together a mass of evidence which convinced her that her master's innocence must appear. She threw herself into a railway train and came to London. Not knowing to whom she should address herself, she chanced to go to Mr. Serjeant Shee, who received her in the kindest manner, looked over the evidence she laid before him, said it was worthy of every consideration, and recommended her to a solicitor of great respectability and skill. Mr. Ivimey, of Staple's Inn, the solicitor alluded to, looked into the case, and shortly afterwards found himself in Northumberland. He obtained warrants against the whole gang who swore Mr. Bewicke into prison, and brought them to trial. The result of

the trial was that on the 1st of March 1862, one of the gang was tried for a misdemeanour at Newcastle, before Mr. Justice Mellor, and sentenced to two years' imprisonment; two others were tried for conspiracy and swearing that they had been fired at with a bullet by Mr. Bewicke, another of the gang having turned Queen's evidence and assisted in convicting his fellow-scoundrels. The Queen's pardon—he was almost ashamed to repeat the word—reached Mr. Bewicke. He was released from prison; but that pardon found a very different man from him on whom the sentence had fallen. Mr. Bewicke went into prison a giant of strength, of indomitable spirit. He quitted prison heart-broken, his health ruined—a debilitated dwarf. He went to his home, which he had left with every appliance of wealth and comfort; he found it dilapidated, the whole of his furniture removed and sold; the bare walls only remaining, with his faithful housekeeper—an honour to her sex—keeping watch within. Mr. Bewicke was shocked and astonished. He asked how was this? It appeared that the trustees of Greenwich Hospital, as lords of the manor of Langley (on which Mr. Bewicke's property was situate), granted to them by the Crown on the attainder of the Earl of Derwentwater, in exercise of the right by which they claimed to be entitled to the goods of felons, had seized Mr. Bewicke's furniture three months after his conviction, and sold it. Mr. Bewicke said he was not a felon, but an innocent man. He demanded his goods. The trustees said, "No; we have sold your goods." "What," he again asked, "have you sold them for? They were worth £1,600 to £1,800." The trustees replied, "We sold them for £430. We have no objection to give you the proceeds of the sale." "But," said Mr. Bewicke, "I am advised you had no right to do as you have done. I will bring an action against you." The Commissioners of Greenwich Hospital laughed him to scorn, saying, "You bring an action against us! You have no *locus standi*. You were a felon when your goods were seized. You remained a felon while in prison, and till you were relieved from your felony by the pardon of the Crown; consequently you had lost the rights of citizenship. To attack us you are powerless." Was not that a case of grievous hardship and oppression? Was that a state of the law that ought to exist? Was an innocent man to be thrown into prison,

and, being innocent, by a miserable fiction to be considered guilty until he was relieved of his guilt by the pardon of the Crown? How could the Queen pardon an innocent man? When a man's innocence was established, he should have restored to him the full rights of an English citizen. It was a case which came home to them all. Any one—the Secretary of State for the Home Department himself—might become the victim of a conspiracy, and what happened at Threepenny Wood might happen at his House at Falldon. He ventured to say, if the right hon. Baronet were placed in the position of Mr. Bewicke, with his sensitive mind he would not have survived three weeks' imprisonment. Fancy the right hon. Baronet's feelings in having to go and hunt for the family pictures of the Greys at the old curiosity shops in Wardour Street. He hoped the right hon. Baronet would not adopt a miserable stingy policy in this case, but give to Mr. Bewicke that compensation he had a right to expect at the hands of the Government.

Motion made, and Question proposed,

"That, in the opinion of this House, the grievances suffered by William Bewicke, as detailed in his Petition to this House, presented upon the 28th day of April last, are such as entitle him to the consideration of Her Majesty's Government."  
—(Mr. Berkeley.)

SIR GEORGE GREY said, he had not heard the whole of the statement of the hon. Gentleman, but he was aware of the facts of the case, which certainly was one of a very peculiar character. Mr. Bewicke was a gentleman of family and property in Northumberland. A charge was brought against him of having resisted a sheriff's officer in the ordinary execution of the law, and a pistol was fired by him. He was indicted, and the question was whether the pistol was loaded with ball, and whether he fired it with the intention of injuring or taking away life. So far as the law and its administration were concerned, there was no failure of justice. The evidence was entirely satisfactory to the Judge and jury before whom Mr. Bewicke was tried. He was convicted and sentenced to penal servitude for four years. The property of the convict did not escheat to the Crown, as in ordinary cases, but, owing to the peculiar jurisdiction of the locality where the property was situated, to the Commissioners of Greenwich Hospital, by whom

Mr. H. Berkeley

it was sold off, after having been first offered to the family. After the lapse of some time, the witnesses upon whose evidence Mr. Bewicke had been found guilty, were convicted of perjury upon the material point, which was as to whether the pistol had been loaded and discharged with intent to do injury. Of course, upon their conviction, Mr. Bewicke was immediately discharged from prison. He then applied for his property. The Commissioners of Greenwich Hospital could not restore it, having sold it, but they did all they could legally do; they offered to restore to Mr. Bewicke the proceeds of the sale of the property.

MR. H. BERKELEY: Minus £50 deducted for law expenses.

SIR GEORGE GREY repeated, that the Commissioners restored all that they had legally power to restore, for they could not appropriate the funds of the hospital to compensate Mr. Bewicke. Mr. Bewicke now said the sale was below the value, and asked for compensation upon the basis of the difference between his estimate of the value and the amount the property produced when sold. He did not know how it was possible to comply with that request. It was not a case in which the law or the administration of the law had failed, but it arose from the imperfection which sometimes attached to human evidence. From that cause there was, in the first instance, a failure of justice; but it must be borne in mind that Mr. Bewicke had, in a great measure, brought the result upon himself by his own conduct in resisting the execution of a legal warrant. It was a subject for commiseration, but it was one of a class of cases where a failure of justice occurred and innocent persons were injured. But the fact was, the law provided no means of compensation. There was, indeed, one case in which a person who had been unjustly convicted was afterwards pardoned, and he received compensation by a special vote of the House. If, however, the hon. Gentleman wished to alter the law in relation to the operation of a royal pardon, that was a fit question for consideration in that House, but it could not be decided upon a discussion applying to a particular case. He was persuaded that there were many cases in which the parties had a better title to redress than Mr. Bewicke.

MR. H. BERKELEY observed, that he had brought forward a case of the greatest

cruelty, equal to the case of Mr. Barber, who was compensated, and not one of the statements he had laid before the House had been answered by the Home Secretary. If the right hon. Gentleman did not give him some assurance that the matter should be considered by the Government with a view to compensating Mr. Bewicke, he should feel it his duty to take the sense of the House upon his Motion.

SIR FITZROY KELLY said, the statement of his hon. Friend had been met by the right hon. Gentleman the Secretary of State with a degree of coolness which might be very becoming in the administration of justice, but which was somewhat out of place when a claim was made for compensation for injuries of a nature which he trusted seldom occurred. It was impossible to listen to the details of the case without feeling that there was a grievous defect in the law; and if the law could not be amended to meet each particular case as it occurred, the call was imperative for the immediate merciful and liberal consideration of the Government. In a case to which allusion had been made a gentleman was indicted as an accomplice in the forgery of several deeds, and convicted, and after suffering perhaps more severely than the gentleman whose claims were now before the House, he was proved to be guiltless of the offence laid to his charge. Mr. Barber received the Queen's pardon, and when he (Sir FitzRoy Kelly) brought his complaint before the House, the Government did not turn a deaf ear to him, but appointed a Select Committee to investigate the subject, upon whose Report the House gave its unanimous assent to a compensation to the amount of £5,000. Except that in the case before them a sentence of penal servitude was passed, while in that of Mr. Barber actual transportation took place, there was no substantial difference between them. He cast no blame upon the judge nor upon the jury; but now that the facts were known, the Government were bound to grant some compensation to Mr. Bewicke. The Secretary of State had said that that gentleman had done wrong in resisting the officers of the law, but he had only done what every man was entitled to do in cases of civil law. He pointed out property that might be seized to satisfy the levy, and he refused, as he had a right, to admit the officers into his house. The pistol was discharged by him after warn-

ing, and upon an assurance that all was right; so that his conduct was not so culpable as was represented. He did not think the Commissioners of Greenwich Hospital were to blame. They had acted as it was their duty as trustees to act. He hoped the case would be remembered whenever he or some other Member brought before the House the question of an appeal in criminal cases. Did there exist an appeal in criminal cases, there would have been a new trial or a reversal of the verdict, which would have restored Mr. Bewicke to all his civil rights without the insulting offer of a pardon for an offence of which he had not been guilty. However, passing by the greater question, and confining their attention for the present to the individual case, there could be no doubt that injury had been done, that compensation ought to be made, and that a precedent for that course did exist. He therefore hoped the Government would give an assurance that the question should receive their liberal consideration.

THE SOLICITOR GENERAL said, he hoped that the House would not be led away too much by their feelings, and would look less at particular cases and more at the general law, because at the foundation there lay a rule of law which was worthy of consideration. The case had, no doubt, been stated in a pathetic manner by the hon. Gentleman, and had made an impression on the feelings of every hon. Member who had heard it. It was undeniable that a great hardship had been suffered by Mr. Bewicke, but the hardship was no greater than that suffered by any person who was, without cause subject to a *bond fide* criminal prosecution, and was sentenced accordingly. The English law had provided no remedy in such cases; and the one question was, whether a Court of Criminal Appeal should be constituted to deal with them. But even a court of appeal would not have met the case, because the evidence was sufficient; the verdict, as the evidence stood, was a right one, and the judgment rightly followed that verdict. As the House knew, the greatest legal authorities and the Judges generally had felt that it would be very difficult to establish, with the necessary safeguards, a court of criminal appeal. They might hope that the difficulties were not insuperable, but in the absence of such a tribunal the House ought not to deal with every individual grievance as establishing a claim to com-



pensation. Another large question involved was as to the charge which would be thrown upon the public if the principle were adopted. A gentleman had obviously no more right to compensation than the poorest person, and the number of cases of that character was much greater than was commonly supposed. In Mr. Bewicke's case he was not vindicated by an *ex parte* inquiry at the Home Office, which was the general course of things, but by a sort of cross proceeding—namely, a prosecution of the witnesses for perjury. The decision then might be fallible, though in the present instance it was, no doubt, according to justice. A somewhat similar case would be remembered, in which a clergyman was convicted of a very serious charge, lost his appointment in consequence, and was imprisoned: but the principle witness against him was afterwards convicted of perjury, and he then received a pardon. That would be a case for a claim against the Government, and nobody could tell how many such claims would be made, or what would be their magnitude, because, in the exceptional case of Mr. Barber, the House of Commons, acting on the Report of a Select Committee, had thought fit to award a pecuniary compensation. Hitherto the law had treated hardships of the kind, severe though they might be, as hardships to which the citizens and subjects of the realm must submit, as being incident to the unavoidable possibility of miscarriage in the administration of justice; and he did not think it would be wise to deal with these in an exceptional way, though it might be proper to consider the expediency of introducing a general law for the investigation of such cases and for giving compensation in some way or other.

Question put.

The House *divided*:—Ayes 20; Noes 22: Majority 2.

#### BANKRUPTCY AND INSOLVENCY COURT (DUBLIN).

PAPERS MOVED FOR.

MR. VANCE said, he wished to call attention to the insufficient accommodation afforded to the Bar, the suitors, and the public in the Court in which the sittings in Bankruptcy and Insolvency are held in Dublin; and to move for Copy of any Correspondence which had taken place between the Judges of the Court and the Government on the subject. It was un-

*The Solicitor General*

derstood that plans and estimates for building new courts had been prepared two years ago, but the hopes held out had been appointed, and no Vote for the purpose had been proposed in the Estimates. The entire bankruptcy business of Ireland and a great part of the insolvency business, were carried on in the court, and the business had greatly increased since 1857. Owing to that increase of business, there was very little room in the present building for the Bar, the suitors, or the public. The inconveniences were very great to everybody concerned, and the mercantile public of Ireland were very anxious that there should be an inquiry on the subject.

MR. PEEL said, he would not deny that the accommodation provided in the courts to which the hon. Gentleman referred was of a character unsuited for permanent occupation, and that considerable inconvenience had resulted. He was not aware, however, that any promise to provide a remedy had been held out as long ago as two years. The first he heard of the subject was in the previous March, when the Estimates for public buildings in Ireland had practically been prepared. Even if the estimate of £12,000 for the construction of these new courts had been previously received, it would not have made any difference, the Estimate for public buildings in Ireland that year exceeding by one-fifth the average amount. It was quite possible that the Commission then sitting to inquire into the Irish law courts might lead to considerable reductions and amalgamations, in which case it would probably become unnecessary to erect additional buildings. The subject, however, would be kept in mind.

COLONEL DUNNE said, he hoped the Government would do something more than keep the subject in mind. He must protest against the lavishing on new streets and every kind of public luxury in England of sums of money that would give the Irish people the accommodation they so urgently needed. The Bankruptcy Court was quite as necessary as the buildings at South Kensington, and vastly more useful.

*Motion agreed to.*

*Copy ordered,*

"Of any Correspondence which has taken place between the Judges of the Bankruptcy and Insolvency Court (Dublin), as to the insufficient accommodation now afforded to the bar, the suitors, and the public in that Court."—(*Mr. Vance.*)

## Address for

Copy of any further Correspondence between Lord Lieutenant of Ireland, Ulster King of Arms, the Home Secretary, and Garter King of Arms, and of any other persons, on the subject of precedence between the Corporations of Dublin and Edinburgh."—(Mr. Vance.)

## RELATIONS WITH JAPAN.

## PAPERS MOVED FOR.

MR. BAILLIE COCHRANE said, that he would not, at that period of the Session and in the then state of the House (less than twenty Members being present), enter at any length into the state of their relations with Japan. Still it was desirable that Parliament should not separate without receiving from Her Majesty's Government some explanation as to their relations with Japan, which seemed to assume a menacing character. If they were not actually at war with that State, no one could say that war was unlikely, and he wished to elicit from responsible authority a declaration whether Her Majesty's officers were justified in assuming a hostile attitude in that country, and, probably, in declaring war, without instructions from home. In tracing their relations with Japan it was not necessary to go back as far as his noble Friend the Member for Cockermouth (Lord Naas) had done in bringing forward his able and comprehensive speech with regard to China. Their relations with Japan originated so recently as 1854. Previous to that year little was known of that interesting country, and when their commercial relations with it commenced it was calculated to excite great curiosity. The country was known to be highly civilized, and there were in its Government many things from which civilized nations might have taken lessons. In 1853 the Americans concluded a treaty with Japan, and in 1854 Admiral Stirling obtained similar concessions for this country, but they led to but slight results until the year 1858, when Lord Elgin visited Japan. Now, when they were on the verge of a war, the House ought to know what were the real facts of the case—how far their conduct had been justified, what demands they had made on the Japanese, what were likely to be the results of the war, and how that war was to be conducted. If not, they might find themselves involved in immense difficulties and in an enormous expenditure. One of the conditions of the concessions granted to Admiral Stirling, and which he had accepted, was that no man of war should

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s of Dublin and Edin-

DUNNE said, he would second  
He had never read a more  
satisfactory decision than that  
by Garter King of Arms, who  
nounced by the Government to  
only guide upon the point. The  
was entirely one of evidence, and  
ernment ought to suspend its de-  
till the charters on either side were  
ced.

GEORGE GREY said, there would  
be the slightest objection to produce the  
ther letter from Ulster King of Arms,  
hich he understood to be the only docu-  
ment that had not yet been published. As  
to suspending the decision of the Govern-  
ment, there had not yet been any occasion  
to form a decision; but if the Lord Mayor  
of Dublin and the Lord Provost of Edin-  
burgh should both attend to present address-  
es to Her Majesty, the matter would not  
brook delay, but must be settled in favour of  
one or other.

COLONEL DUNNE: I say in favour of  
Dublin.

SIR GEORGE GREY: But that would  
not be suspending the decision.

anchor within a certain distance of Yeddo. Lord Elgin violated that condition. His excuse was that he had a yacht to present to the Tycoon—certainly a most extraordinary thing to give to a man who never left his palace, which was at once his abode, his prison, and his tomb, except once a year, when he went to visit the Mikado. It was about as appropriate a present as if the Sultan were to send a wife to the Pope of Rome. The Government of Japan was peculiar. The Mikado was the spiritual head and the Tycoon the temporal sovereign, and overruling and almost overriding them was a great aristocracy, consisting of the Daimios, who were the controlling power of the country. Until they could exercise some influence on them, their treaties would be of but little avail. Lord Elgin, in spite of the remonstrances of the great council and the high officers of state, who said that they had been very happy since they got rid of the foreigners two hundred years before, and that they mistrusted merchants and missionaries, because they had always found that their entrance into a country was followed by war and rapine, insisted upon the signature of a commercial treaty. It was very hard that they should compel, induce, or bribe—for the Japanese said that the treaty smelt very much of ham and champagne—a people to conclude a treaty, and then, when they saw that the state of the country would not allow them to carry it out, declare war against them. It was the fashion to talk of the Japanese as a set of barbarians, but Sir Rutherford Alcock, Mr. Oliphant, and all who had written about them, said that they possessed a high degree of civilization and prosperity. Sir Rutherford Alcock, speaking of the power and state of the Daimios, said, that in witnessing the pomp of their processions and the evidences of their power, the spectator seemed to be transported to the Europe of the sixteenth or seventeenth century. The important point, however, was as to the feeling of the people. When Sir Rutherford Alcock arrived in Japan, the people showed no indisposition to carry out the Treaty of 1858. They were not ungenerous or violent, but quite the reverse; nor did they commit any outrages upon the English. Sir Rutherford Alcock made a journey to the sacred mountain, passing through many villages in which a European had never been seen before; and in his despatches he bore testimony to the kindness and

good disposition of the people, and to the ease with which order was preserved among them. In a despatch to the Earl of Malmesbury, Sir Rutherford Alcock stated that nothing could be more prompt, obliging, or seemingly straightforward than the action of the Japanese Government. Were these, then, a savage, brutalized, rough, and discourteous people? Exactly the reverse. In that very despatch of Sir Rutherford Alcock's he touched upon the important point which bore on the issue which might lead to war. If, for the sake of commerce, they were to force themselves into a country against the wishes of the people, surely it would be wise to take the advice of the people as to the best mode of carrying out their views. When Sir Rutherford Alcock went out, he found that the Japanese were forming an establishment for the reception of foreigners, not at Kanagawa, but at Yokohama, about three miles up the bay of Yeddo, where workmen were busily employed in constructing a granite pier, and that the Japanese were making every effort to lead foreigners to that place. Sir Rutherford Alcock objected to the Consul being located there, and insisted on his going to Kanagawa. The authorities explained to him the reason why they did not wish him to go to Kanagawa, stating, that that place was on the royal road, along which the Daimio princes passed, and that confusion and hostile encounters might arise with those great princes, who had been opposed from the first to the commercial treaty. What had been the result? Just what the Japanese authorities had predicted. The principal demand which they made for reparation from the Japanese Government arose out of an encounter which took place between the attendants of one of the great Daimios, the Prince of Satsuma, and an English riding party, in which one of the latter was killed. They had, however, it should be borne in mind, been warned of what would happen. Sir Rutherford Alcock admitted the obstacles with which the Japanese Government had to contend. He stated, in 1859, that in point of facility of access from the bay the advantage on the side of Yokohama admitted of no question, and that the real notion of the Japanese Government had been to remove foreigners from the line of the route of the Princes to the capital. The Japanese had, in fact, been forced into treaties; their relations with foreign nations had been imposed upon them; and although the

Government were willing enough to carry out those treaties as far as it was practicable for them to do so, such was the prejudice of the people that it could not be done without causing the greatest possible disasters. The Japanese Government, which was composed of very intelligent people, had urged the matter strongly on the consideration of the English Government, and he confessed, that when he read the appeal of those men to the good feeling of this country, he felt ashamed of the way in which they had conducted themselves towards them. Sir Rutherford Alcock pointed out, that in allowing free intercourse to foreigners they were reversing all the traditions of their country, and that since then nothing but troubles and dangers had been the result. Was that the civilization which they desired to carry into Japan? But almost every despatch of Sir Rutherford Alcock bore evidence to the justice of the view which he wished to submit to the House. Writing on the 23rd of November 1859, Sir Rutherford Alcock said—

"That the Japanese Government look upon all foreign treaties, trade, and relations as so many unmitigated evils, I have already informed your Lordship there is every reason to believe. How far it can be hoped that time and experience may bring other feelings and wishes. I will not stop to inquire; but speaking of the present aspect of affairs, and the manifest repugnance of the ruling classes to all intercourse with foreigners—only too well justified by the want of discretion and conduct on the part of many at the different ports, and more especially at Kanagawa, in the immediate vicinity of the capital—I confess it seems to me the future before us is one of little promise."

Now, Mr. Oliphant admitted that they compelled the Japanese Government to enter into the treaty, and if the English, who boasted that they were a highly civilized nation, forced their commerce on that country, they were, he thought, bound to see that those whom they sent out there conducted themselves properly. He was, however, sorry to be obliged to say, that although there were many honourable men among the merchants who went to reside there, one of their number being Mr. Moss, who had been somewhat hardly dealt with, there were instances in which their conduct was open to objection. And these were the gentlemen on whose account they were about to go to war, and to add next year 2*d.* or 3*d.* in the pound to the income tax; for the House might depend upon it, that if a war with Japan were once entered upon, it would be found to be a most expensive undertaking. Such a war could

not be carried on merely on the sea board, but the employment of troops in the interior would be necessary, and he understood that a force had even at that time been ordered from India to Japan. He had papers in his hands which referred to the currency question, in relation to which Sir Rutherford Alcock said—

"I have only to add, in conclusion, that every effort must be made to allay the irritation and alarm of the Japanese Government at the shipment of their gold currency. It was this, I believe, even more than religious quarrels and encroachments, which led, 250 years ago, to the total expulsion of both Spanish and Portuguese, and the long isolation of Japan from Western nations. We are threatened with the same dangers now, by persons wholly regardless of what may happen, if they can only secure their own temporary advantage. But it is the business and the duty of all foreign representatives to prevent a few individuals thus endangering the relations and damaging the permanent interests of nations. It is better that there should be no trade than a trade carried on under such conditions as those which it has been attempted to impose. It is better that there should be no intercourse than relations of ill-will and conflict, threatening only war as a final result."

They actually went the length of burning down the palace of the Tycoon, in the hope that an excuse would be furnished for stopping the currency, expecting that it would be found impossible any longer to carry on the exchange. Sir Rutherford Alcock thus wrote of the demands on the Treasury by persons supposed to be British merchants—

"In presence of the insane demands pressed upon them, often with menace and violence, for such beyond doubt is the fact, and for sums which not only the applicants could not produce in dollars, but which could not be expressed otherwise than by a long line of figures, while a lifetime would not suffice to count many of the sums claimed in itzeibus, it is difficult to say whether the indecent levity and bad taste which mark many of the requisitions now under my eye, or the disregard of all treaty conditions and national interests or repute equally manifested are most worthy of reprehension. Some are a positive disgrace to any one bearing the name of an Englishman, or having a character to lose."

There was appended in the blue-book some of these demands, made in the names, for example, of Mr. Doodledoo, Mr. Nonsense, Mr. Is-it-not, Mr. Snooks, Mr. Boscho, Mr. Cock, Mr. Eyeall, Mr. No Nose, Mr. Jack Ketch, and, most appropriate of all, Mr. Swindlepipes. Such conduct met with a severe reprimand, though not so severe as it should have been. The Secretary to the East India and China Association wrote on February 16, 1860, in these terms—

"I am to convey to you the expression of their deep regret that the painful occurrences to which

Mr. Aloock alludes have taken place to such an extent as to cause the stoppage of trade by the Japanese. They concur with Her Majesty's Government in their reasonable expectation, that after having made great and successful exertions to open and extend a commercial intercourse with Japan, all persons resorting to that country for commercial purposes ought to abstain from violent and irregular conduct, which may give just cause for offence and resentment on the part of the Japanese. I am to add the assurance that influential parties here will not fail to urge upon those with whom they are connected in Japan the utmost care and caution in refraining from all conduct which might lead to disputes and personal altercations and violence."

And Earl Russell wrote thus —

"I feel very strongly that we must be very careful that none of the clerks or agents of British merchants out there should commit any offence against the customs of the Japanese; for, unless they abstain from behaviour of that kind, we cannot justly complain of outrages against us, and it will be impossible to maintain satisfactory relations between the two countries."

He agreed with Earl Russell that they could not justly complain of the outrages against them, and he did not think that the Government was justified in the course now being pursued towards the Japanese. The Government might doubt his statement that thirty of these Daimios could bring into the field no less than 766,000 men, and that Prince Satsuma derived a revenue of 200 chests of silver annually; but the Japanese had a stronger weapon than men or money, they had justice on their side. If England had been insulted, it would not so much matter what sum was expended in a war, but they ought to know in that case the precise grounds upon which the Government were proceeding, and whether those who represented England were directed to terminate the present state of things as soon as possible. He had no objection to a treaty of commerce with Japan if it could be carried out without violence, and without offending the feelings of the Japanese, but he would rather see it torn in pieces if it could only be observed by shedding the blood of a happy and contented people. The hon. Gentleman concluded by moving for papers.

MR. LIDDELL, in seconding the Motion, said, he wished to elicit some statement from the Government before the Session closed, because in a very short time Englishmen might be asking one another, "Why are we quarrelling with Japan?" and "With whom are we about to fight?" The answer to the first question was more easy than the reply to the second. We were quarrelling with

Japan because we had hastily and inconsiderately signed a treaty with that country, which was a revolution in itself. The news of our victory in China was conveyed by an American ship to Japan, and it was under the *prestige* of that victory that we obtained power over the authorities in Japan. The American Minister first obtained concessions, and then Lord Elgin concluded our treaty, which was a revolution, and which was extorted by force, and by operating on the fears of the Japanese. The motive, which was to satisfy national pride, and not to be behind America, was a bad one, and a treaty extorted by fear rested on a dangerous and unstable basis. It was not only an ill-considered treaty but a treaty hastily drawn, and Sir Rutherford Alcock, probably the best authority in the world on Japanese politics, stated that that treaty never obtained the sanction of the sovereign, and was illegal, as far as Japan was concerned, because the Mikado's authority was required to make it binding on his subjects. As in the case of a previous treaty of humanity with Japan, having reference only to shipwrecked persons, the Japanese authority who signed it was murdered, so the Tycoon who signed Lord Elgin's treaty was secretly murdered. A distrust of foreign presence was a feeling that had, for a long series of years, prevailed in Japan; and did the history of Japan, he would ask, furnish no reasons why the Japanese should be suspicious and distrustful? Were not the intrigues of the Jesuits, the commercial frauds of the Portuguese, and the miserable servility of the Dutch, enough to create feelings of distrust? Those feelings were hardly extinct when this country ventured on the ill-advised attempt of obtaining a commercial treaty under the influence of alarm. The Japanese thought and believed we were about to force them to sign it, and to employ our navy against them for that purpose. Fear involved humiliation, and the great mistake we had invariably made in our political dealings in the East had been, that in obtaining trading concessions we had destroyed that which the people had regarded as the central authority. According to the laws of Japan the treaty was binding only on the Tycoon who signed it, and in the limited space under his jurisdiction—namely, the five ports opened by the treaty. It was in no

way binding upon the oligarchy of the Daimios, who were feudal and hereditary barons, and whose power, perhaps, exceeded that of the barons who extorted Magna Charta from King John, nor upon their subject serfs. Sir Rutherford Alcock said that according to the laws of Japan we were outlaws in that country, and any retainer of these powerful chieftains the Daimios might legally take the life of an Englishman. He contended, then, that this country was going to war with Japan on account of a treaty the concession of which was tantamount to a revolution in that nation, and he did not think that such a step was justifiable. The next question was, with whom was this country going to quarrel? Was it with the Tycoon? If so, he was the only friend this country had in Japan. Was it with the Mikado—that mysterious Sovereign of whom we knew literally nothing, and the extent of whose power and privileges were alike unknown to us, and whose assent to the treaty had never been obtained? But if, on the other hand, England was going to quarrel with those who hated the intrusion of foreigners—namely, the great nobles or Daimios, then he said that the extent of their power was not known, though this was well ascertained, that they were powerful chieftains, who could call out the population, which was in a state of serfdom, to defend the laws and oppose foreign intrusion. This was an alarming thing to undertake to do at the other side of the globe, and we could effect nothing without a standing army. Every one of the Japanese who were required to reside at Yeddo had deserted it, and had retired to the country, and we had reason to believe that they were preparing for an obstinate conflict. On our part war would be for “an idea,” we did not know whom with or what for. Silk was the only product we obtained from Japan, and for a few bales of silk more or less we were not justified in involving the taxpayers of the country in an expenditure of which we could not see the end. Neither were we justified in plunging that country into a civil war. He trusted that the Government would furnish to the House before it separated some further explanation on this most interesting subject.

Motion made, and Question proposed,

“That an humble Address be presented to Her Majesty, that She will be graciously pleased to

give directions that there be laid before this House, Papers concerning our present Relations with Japan.”—(*Mr. Baillie Cochrane.*)

Mr. LAYARD said, he did not exactly understand the object of the speech of the hon. Member for Honiton (*Mr. B. Cochrane*). He lamented, as much as any one, the necessity under which we were placed of making demands upon the Government of Japan which might possibly—though the certainty was not so great as had been represented by the two hon. Gentlemen opposite—lead us into hostilities with Japan. At the same time, he contended that our present position was unavoidable, that we were placed in it against our own desires, and that the Government were simply discharging a duty. Up to 1854 we had scarcely any connection with Japan. A convention was made about that time limited to objects of humanity and securing good treatment for crews which happened to be wrecked on the shores of that country. The American Government had a convention of a similar nature. In 1858 an American Minister made a commercial treaty. Russia also concluded a similar treaty of commerce. Unfortunately, British commerce extended over all the world, wherever there was anything to be bought or sold Englishmen were sure to go; and unfortunately, too, if there was anything unfortunate in the matter—though to that spirit of commercial enterprise undoubtedly much of the greatness of England was due—wherever British commerce went it required protection. If Her Majesty's Government had remained inactive while the two Governments of Russia and the United States were thus developing and extending the commercial resources of the country, if English traders when they went there had been expelled and outraged, would not they have been denounced by the merchants of this country, and also in that House, for not also concluding a commercial treaty with Japan; and would they not have been reproached for not following the example of Russia and the United States? The hon. Gentleman denounced the Government for having made the treaty, but he seemed to forget that in making the treaty Lord Elgin was acting under instructions from the Earl of Malmesbury. [*Mr. BAILLIE COCHRANE*: I never denounced the treaty at all.] The hon. Gentleman said that all the misfortunes which had occurred were owing to the treaty, but it was made in the Earl of Malmesbury's time, and in the

papers would be found a despatch from that noble Earl eulogizing Lord Elgin's conduct in making that treaty. Again, if the provisions of that treaty had been of so objectionable a character, why did not hon. Members denounce it at the proper time? When the present Government came into office, it was not their duty to overthrow the treaty. What they had to do was to see that its stipulations were carried out. The hon. Gentleman said that that treaty was forced upon the Japanese, but Sir Rutherford Alcock stated he found the people most inclined to trade with foreigners, and receiving them with the greatest kindness. In Japan, unfortunately, there existed a party—the Conservative party—opposed to all reform and progress, and opposed to all intercourse with foreigners. A great number of the wealthy Daimios were connected with that party, but it did not contain all of them. The Tycoon himself, chosen from a great Daimio family, had shown every disposition to enter into relations with foreign countries; and though his policy had created a strong opposition, he was supported in it by some of the most powerful Daimios. Her Majesty's Government had been asked, with whom was it concluded? His answer was that it was concluded with the authorities they found existing in Japan, the same with whom the Russians and Americans had treated, and who were believed to have complete power to make treaties with foreign nations. He quite agreed, with the hon. Gentleman that the conduct of some of the British merchants who first began to trade there had been most discreditable, but he was surprised to hear his hon. Friend make so singular an exception in favour of the man who had committed the greatest outrage on the Japanese. That person went out to shoot within prohibited limits, he shot a bird held sacred by the Japanese; and when he was stopped, he shot at and dangerously wounded a policeman—accidentally it was said, but, as he believed, by design. Sir Rutherford Alcock endeavoured to punish him, but, unfortunately, exceeded his powers, and the man went to Hong-Kong, instituted an action there, and actually got damages against Sir Rutherford Alcock. The hon. Gentleman had read the paper which had been laid on the table of the House, and which contained a statement of the demands put forward, in the most extravagant and disgraceful manner, on the Japanese Government, by

*Mr. Loyard*

some of our traders. The moment the Government heard of these things they wrote to some of the leading merchants engaged in the Japan trade, asking them to use their influence to put a stop to such acts. They replied, promising that they would do all in their power to put a stop to them; and it was to be hoped that these persons, intimidated by what had taken place, would leave the country, that a more respectable class would grow up, and that we should in future be rid of these men, who had been a great source of our difficulties with Japan. The hon. Gentleman had contrasted our conduct with that of the American Minister, and had led the House to believe that we alone were exposed to these outrages. He seemed to forget that the first outrage which took place was the barbarous murder of a Russian officer and two seamen, for which no redress had ever been obtained. That was soon followed by the murder of the American Secretary of Legation in the street. Then followed in succession the murder of one of Sir Rutherford Alcock's interpreters at the door of his own house; the attack on the British Legation, in which Mr. Oliphant was wounded, and the assassination of two Marines on guard at the Legation. Up to that time we had shown every consideration to the Japanese Government, and had made it apparent that we did not desire to press hardly upon them. Our demands for redress were of an exceedingly mild and moderate character. The Japanese Government sent over an embassy which was received with the utmost kindness in this country. The object of the mission was to induce Her Majesty's Government not to insist on the immediate opening of all the treaty ports. It was represented to them, that surrounded as the Tycoon was by a hostile party, and jealous as the Japanese princes were of foreigners, in accordance with the traditions of their country, it would be an act of consideration to the Tycoon to postpone for a time the demand for the opening of the ports. Her Majesty's Government at once agreed to that request, and, moreover, obtained the acquiescence of the French, Dutch, and other Governments which held similar rights. That was a proof that we did not wish to deal harshly with the Japanese Government. At the very time the Embassy was in England the murderous assault on Mr. Richardson and his three companions took place, not, as had been erroneously stated, arising out

of a quarrel, for there had been none, nor occurring on a high road from which Europeans had been excluded, for it was one to which they were expressly admitted by an arrangement with the Japanese authorities. It was a most outrageous and un-called for attack. What could the British Government do under the circumstances? They were bound to ask for reparation. If they had done nothing, they would have been justly exposed to the animadversions of hon. Members in the House. It was their duty to demand redress for these unjustifiable outrages on unoffending British subjects, and they had made a claim both on the Japanese Government and in the Prince whose retainers were engaged on the attack on Mr. Richardson. Their demands, however, were not preposterous. They simply demanded compensation for those who had suffered. His hon. Friend asked upon whom we were going to make war? He trusted we should not have to go to war at all. By the latest accounts it would appear that the struggle between the Tycoon and the opposition party was still going on. The Tycoon had not yet returned to Yeddo; but there was a reasonable hope that the reparation sought by the British Government would be conceded. He believed he might state that the Tycoon personally did not think our demands were unreasonable. As for the Prince, whose retainers assailed Mr. Richardson, he lived near the coast, and could easily be got at. He could not say whether the Prince would be held responsible by the Tycoon, or whether the British Government would have themselves to deal with him. He could not assent to the production of the papers asked for by his hon. Friend, because it was contrary to all rule to publish instructions not yet carried out. He deeply regretted that Her Majesty's Government had been forced to take the course they had followed with Japan, but he could not see how it was possible for them to have acted otherwise. They had treated the Japanese Government with great consideration, and had manifested a friendly spirit in every possible way. His hon. Friend had omitted to point out what other course they could have pursued. Engaged as England was in commercial relations with the whole world, it was necessary that our merchants should be protected, and in protecting them we were exposed to such contingencies as these. One of the first things, however, which

we ought to do was to induce our subjects out there to behave better. He quite concurred with his hon. Friend in his condemnation of some of our countrymen in Japan. There was a class of merchants and adventurers who were always getting into trouble with the native authorities, both in China and Japan, and who were the first to turn against their own Government when it interfered. If these persons would behave in a manner more consistent with the character of English gentlemen, we should be better able to maintain amicable relations with Japan.

MR. BAILLIE COCHRANE said, he did not intend to make any attack on the Government, but merely to express his anxiety that every facility would be afforded to the Japanese Government for granting redress, and that war would be avoided. He begged to withdraw the Motion.

Motion, by leave, *withdrawn*.

#### DISSENTING CHAPELS, &c.

##### RETURN MOVED FOR.

MR. NEWDEGATE said, he rose to move an Address for Return from the Chief Constable, Superintendent, or Officer in command of the Police in each county, city, borough, town, or district of Great Britain, showing each Chapel or Place of Worship other than those of the Established Church; and further, each monastery, station, convent, or religious house, which has been used or inhabited during the year ending August 1863, within the district of such Officer, stating the county and parish in which such Chapel or House is situate, the denomination, sect, order, or religion of those by whom such Chapel or House has been used or inhabited, and the name by which such Chapel or House is known. He regretted to hear that the right hon. Baronet the Home Secretary had an objection to the production of the Return. He could not understand why that House should be kept totally uninformed of the number of dissenting chapels in the country and their denominations. According to the *Roman Catholic Directory*, there had been of late years a great increase in this country in the number and establishments of Jesuits and other religious orders of the Church of Rome. He wanted to know why the House and the country were to be kept in the dark upon the subject. He understood that



the great objection to the Motion was that it should be furnished by the police. He should be glad to receive the information without the intervention of the police, if it were possible, but he knew no other organization competent to afford it. The Legislature and the Government of this country were the only ones in Europe that were left without the information he desired to obtain. He might possibly be charged with prejudice against the Jesuits, but history told him they formed the most powerful organization that had ever been known. The clauses of the Roman Catholic Relief Act of 1829 relating to them were not, as many supposed, the result of Protestant prejudice, but rather the result of Roman Catholic experience. Roman Catholic States themselves had always manifested a well founded anxiety and jealousy in reference to the Jesuits unsurpassed by those of any Protestant Government.

MR. KER said, he rose to order. He submitted that the hon. Gentleman, in moving for a Return, had no right to enter upon such a statement as he was making.

MR. SPEAKER said the hon. Member was in order.

MR. NEWDEGATE said, he would not detain the House longer, and would merely add that he asked for the information with a view of testing the extent of religious accommodation, and to obtain information which would be supplementary to that intended by the Return moved for by the hon. Member for Peterborough, in accordance with the Relief Act of 1829; but he did not expect that any reliable and sufficient information would be furnished under that Return; the experience of the abortive nature of Returns under that Act proved that the information required must be supplied in a manner different from that suggested by the Act, if the House was to be correctly informed.

MR. WHALLEY said, he would second the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Return from the Chief Constable, Superintendent, or Officer in command of the Police, in each county, city, borough, town, or district of Great Britain, showing each Chapel or Place of Worship, other than those of the Established Church; and further, each monastery, station, convent, or religious house, which has been used or inhabited during the year ending August 1863,

*Mr. Newdegate*

within the district of such Officer, stating the county and parish in which such Chapel or House is situate, the denomination, sect, order, or religion of those by whom such Chapel or House has been used or inhabited, and the name by which such Chapel or House is known."—(*Mr. Newdegate.*)

MR. DILLWYN said, he did not think that the police could make the Return moved for; but if such a Return were to be made, he saw no reason why the Established Church should be exempted.

SIR GEORGE GREY said, that if the police were to be employed in making inquiries into the different religious denominations within their respective districts, they must sacrifice their usefulness in the performance of their ordinary duties. The Registrar General, however, was already in possession of much of the information sought for, and it might be obtained through him. It would make a very bulky volume, and it might well be doubted whether it would be found worth the expense of printing.

MR. WHALLEY said, he thought it was the duty of the Government to assist independent Members who endeavoured to obtain information such as that asked for by his hon. Friend the Member for North Warwickshire. The Jesuits had never been more active than they were now. They had drawn us into the Crimean war. The secret organization in Poland was nothing but an organization of the Jesuit body. They made Poland the basis of their operations against Russia, and Ireland the basis of their operations against England.

MR. HENNESSY said, he should always be disposed to assist the hon. Member for Peterborough and the hon. Member for North Warwickshire to procure the information they asked for on these subjects, for their speeches showed that they wanted it. But what did the hon. Member for North Warwickshire want with a Return of all the railway stations in the kingdom? He should therefore have gladly supported the Motion on the same grounds, were it not that he could not see how the police were qualified to make the Returns.

MR. NEWDEGATE, in withdrawing his Motion, said it was a Return of the Jesuit stations, and not the railway stations, he wanted.

Motion, by leave, *withdrawn.*

CAPE OF GOOD HOPE—PACKET  
CONTRACTS.—RESOLUTION.

MR. PEEL said, he had to move that the contract for the conveyance of the Cape of Good Hope mails with the Union Steamship Company be approved.

Motion made, and Question proposed,

"That the Contract for the conveyance of the Cape of Good Hope Mails with the Union Steam Ship Company be approved."—(*Mr. Peel.*)

MR. AYRTON said, that the course taken by the right hon. Gentleman was an inconvenient one, and he hoped it would not be drawn into a precedent. The resolution of the Committee with reference to these contracts was also inconvenient. The House should not be asked to share in the responsibility of the details of mail contracts. They ought to determine whether a certain line of packets should be created, and the Government left to work out the details.

THE CHANCELLOR OF THE EXCHEQUER said, that the Government had adopted the course which seemed best suited to meet these exceptional cases. The first part of the Resolution of the Committee, which recommended contracts to be laid on the table for a month, provided a good arrangement. The Resolution contained a special provision that the House might be called upon for a positive vote of approval within the month. That was, perhaps, the part of the Resolution most open to question, although he thought there was obvious reason in it, and that the arguments in its favour preponderated over those against it. It was manifestly intended to prevent the disadvantage to which parties who had entered into contracts of a very burdensome nature, involving a large outlay of capital, would be subjected if they were left in uncertainty as to the validity of their contracts any longer than was absolutely necessary. He agreed that it was most desirable to avoid throwing the formation of these contracts late in the year, and that they should be framed in sufficient time to lie a full month on the table of the House before the close of the Session. It was far better that they should come into legal force on the sole responsibility of the Executive after that opportunity of rejecting them had been afforded to the House, than that the House should be called on to affirm them by a positive vote. But during the present year it had been found, through no fault of the Government, impracticable to

get the contracts placed on the table until that very advanced period, and they had to choose between the inconvenience of calling on the House for a positive vote, and the inconvenience of leaving the parties in uncertainty. The Government thought it only fair to choose the former alternative, and he believed that no difference of opinion existed in the House in regard to the contracts now in question.

Question put, and *agreed to.*

GALWAY PACKET CONTRACT.

RESOLUTION.

On Motion of MR. PEEL, *Resolved,*

That the Contract for the conveyance of the American Mails from Galway with the Atlantic Royal Mail Steam Navigation Company be approved.—(*Mr. Peel.*)

MR. DILLWYN said, he wished to know whether Galway was to be the port of departure for the mail packets, or merely a port of call.

MR. PEEL said, that in that respect the terms of the present contract were exactly the same as those of the contract of 1859. Galway was to be the port of departure.

DUTY ON RUM.—COMMITTEE.

MR. PEEL said, he had to move that Mr. Speaker leave the Chair, with a view to leave being given to bring in a Bill with regard to the duty on Rum in a Committee of the Whole House.

MR. HENNESSY said, he was surprised at the course taken by the Government in the matter. The journals of the House showed that their proposal in regard to it was negatived the previous night, and they sought to renew it. Some explanation ought to be afforded of the objects of the Bill.

MR. PEEL said, the American war had had the effect of greatly increasing the price of spirits of turpentine which were used in the preparation of paint; and that greatly enhanced price—from 3s. to 10s. per gallon—had caused considerable distress among the smaller class of painters, as well as considerable inconvenience to their customers. Now it had been found that rum was an article that could be used as a substitute for spirits of turpentine in the preparation of paint. It so

happened that concurrently with the great rise in the price of spirits of turpentine there had been a considerable fall in the price of rum; and parties interested in the West Indies had applied to the Government to allow rum to be used for that purpose without paying the duty. The Government were desirous of facilitating that object. No loss would be occasioned to the revenue by the measure, because spirits of turpentine paid no duty. Of course precaution would be taken to secure that the rum thus admitted should be unfit for ordinary purposes.

*Reduction of the Duty on Rum; considered in Committee.*

(In the Committee.)

MR. HENNESSY said, he had been told by no mean authorities that Irish whisky would answer all the purposes contemplated by the Bill. Why, then, should the duty on Irish whisky not be reduced instead of the duty on rum? Surely the interests of Ireland should be considered as well as those of the West Indies.

THE CHANCELLOR OF THE EXCHEQUER said, it had been represented to the Government that there was a peculiar suitability in rum for the purpose. But the measure was not intended to give a preference to rum over whisky; and if either Irish or Scotch whisky would really answer in the preparation of good paint, by all means he should say let it be so used on an equal footing with rum.

*Resolved,*

That the Chairman be directed to move the House, That leave be given to bring in a Bill to reduce the Duty on Rum in certain cases.

*House resumed.*

*Resolution reported.*

Bill *ordered* to be brought in by Mr. PEEL and Mr. CHANCELLOR of the EXCHEQUER.

PETTY OFFENCES BILL—[BILL 240.]

SECOND READING.

Order for Second Reading read.

MR. WHALLEY said, he rose to move the second reading of the Bill, which was for the purpose of allowing persons charged with some offences, such as misdemeanours, to give evidence to rebut the charge. Another point was, that corroborative evidence of the statements of policemen should

*Mr. Peel*

be required. He complained of the conduct of the police and the rashness with which they apprehended people.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. H. A. BRUCE said, that the Bill confused several matters in such a way as to render it impracticable even if carried. No doubt the hon. Gentleman had shown that there were cases of abuse of authority; but they must recollect that there were 7,000 policemen, 5,000 of whom were walking about every night, and it was preposterous to say that their evidence ought not to be taken unless corroborated. Even if the matter was a fit one for discussion, it could not be properly discussed at that late period of the Session. He should move that the Bill be read a second time that day month.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day month."—(*Mr. Bruce.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. WHALLEY complained that the Under Secretary attempted to stifle inquiry into the conduct of the police, of which there was very great and very just complaint.

MR. AYRTON expressed a hope that the Bill would not be pressed at that late period of the Session.

Amendment and Motion, by leave, *withdrawn.*

*Bill withdrawn.*

RAILWAY BILLS (No. 2.) BILL—[BILL 216.]

SECOND READING.

Order for Second Reading read.

MR. WHALLEY said, he would move the second reading of the Bill, the purport of which was to reduce the cost of application to Parliament in the case of minor Railway Bills.

MR. MILNER GIBSON said, that it was impossible to consider the subject fully that Session, but it would be dealt with early in the next Session, when the recommendation of the Committee which had recently reported on the subject would be taken into consideration. He hoped the hon. Member would withdraw the Bill.

MR. DARBY GRIFFITH remarked, that it was not creditable that a large portion of the expenditure of the House should be paid for by fees on private Bills.

*Order discharged.*

*Bill withdrawn.*

House adjourned at a quarter before one o'clock.

## HOUSE OF COMMONS,

*Wednesday, July 22, 1863.*

### MINUTES.—PUBLIC BILLS—*Second Reading—*

British Columbia Boundaries (*Lords*) [Bill 187]; Rum Duty [Bill 266].

*Report of Select Committee—*Church Building and New Parishes Acts Amendment Bill, *Special Report* [No. 482].

*Committee—*Statute Law Revision (*Lords*) [Bill 233]; Colonial Acts Confirmation (*Lords*) [Bill 260]; Consolidated Fund Appropriation; Augmentation of Benefices (*Lords*) [Bill 134]—*s.t.*

*Report—*Church Building and New Parishes Acts Amendment (No. 483) [Bill 260]; Statute Law Revision; Colonial Acts Confirmation; Consolidated Fund Appropriation.

*Third Reading—*Land Tax Commissioners' Names [Bill 239], and *passed*.

### PRIVATE BUSINESS—STANDING ORDERS 197 AND 227.

MR. MASSEY moved, that Standing Orders 197 and 227 be suspended for the remainder of the Session.

*Ordered,*

That Standing Orders 197 and 227 be suspended for the remainder of the Session.

*Ordered,*

That, as regards Private Bills already returned by the House of Lords with Amendments, such Amendments be considered *To-morrow*.

*Ordered,*

That when it is intended to propose any Amendments thereto, a Copy of such Amendments shall be deposited in the Private Bill Office, and Notice thereof given this day.

*Ordered,*

That, as regards Private Bills to be returned by the House of Lords with Amendments, such Amendments be considered on the next sitting of the House after the day on which the Bill shall have been returned from the Lords.

*Ordered,*

That when it is intended to propose any Amendments thereto, a Copy of such Amendments shall be deposited in the Private Bill Office, and Notice thereof given on the day on which the Bill shall have been returned from the Lords.—(*Mr. Massey*.)

## CONVICT ESTABLISHMENTS.

### QUESTION.

MR. WALTER said, he wished to ask the Secretary of State for the Home Department a Question relative to a matter which had been much discussed in the county which he had the honour to represent. It appeared that at the last Summer Assizes in Berkshire a batch of prisoners were sentenced to penal servitude, and for some reason or other they had been detained in Reading Gaol up to a very few weeks of the present time, instead of being draughted off to the convict establishments. He believed that the usual practice of the Government was, when those establishments were overcrowded, to make an allowance of 4s. a week for the maintenance and lodging of every convict under sentence of penal sentence detained in other prisons; and the Berkshire magistrates felt aggrieved at being charged with these convicts beyond such a reasonable period as was necessary to provide for their removal. A bill for £200, on account of their maintenance and lodging, was sent to the Treasury; but as the Treasury declined to pay the bill, a good deal of correspondence ensued, and he undertook last year to ask a Question on the subject and elicit an answer. The Question, therefore, which he now desired to put to the right hon. Baronet was, Whether prisoners under sentence of penal servitude are liable to be detained, at the pleasure of the Home Office, for an indefinite period in the county gaols, without adequate compensation being made to the ratepayers of such counties for their maintenance and lodging during such period?

SIR GEORGE GREY said, in reply, that the practice was to remove all convicts sentenced to penal servitude at the Assizes or Quarter Sessions to the Convict Establishments especially prepared for that class of prisoners; but of course their removal must depend on the fact of there being room in the Convict Establishments. Unfortunately, an increase of crime took place throughout England in the course of last year, causing great difficulty in the speedy removal of these prisoners, and leading, no doubt, to serious inconvenience in many cases. Arrangements, however, were now made to provide more cells in several of the Convict Establishments, and he hoped that the inconvenience which had been experienced would be in future

prevented thereby. He thought it should be a subject of consideration, when convicts of the class referred to were detained in county and borough prisons for an unusually long time, whether there ought not to be some additional allowance made on their account; but he trusted the inconvenience would not occur again.

#### CATHOLIC REFORMATORY, LEICESTERSHIRE.—QUESTION.

Mr. CAVE asked the Home Secretary, Whether his attention has been called to the disorganized state of the Roman Catholic Reformatory of St. Bernard's, Leicestershire, as described in successive reports of Her Majesty's Inspector of Reformatories, and especially in that for 1862, just laid upon the table of the House, and whether any steps have been taken to place the institution upon a satisfactory footing?

SIR GEORGE GREY said, he was sorry to say that the Report of the Inspector with respect to that Reformatory was so unsatisfactory that that officer had been instructed to inform the persons interested in the institution that no public money would be appropriated to it unless a complete change in its management should be effected. The Inspector had since reported that the institution had been placed under a new manager, and that new rules, which would provide for its better management, had been established. He (Sir George Grey) had directed the Inspector again to visit the institution in a short time in order to see whether those rules were carried out, and report its progress to the Home Office.

#### STATUTE LAW REVISION BILL (*Lords*). COMMITTEE.

Order for Committee read.

THE SOLICITOR GENERAL said, that the Bill which he was about to ask the House to consider in Committee constituted a very important step in that course of improvement which had been contemplated for a length of time. The House must be aware that the revision of the statute law, with a view to the issue of an amended and expurgated edition, was a necessary preliminary to any general measure of consolidation. That had long been an object on which the House and the country had deemed it worth while to spend no inconsiderable amount of money. There had been two Commissions on the subject. The

first was issued a good many years back, and comprised several distinguished persons. It cost no less than about £37,000. Of course a mass of materials was collected by that Commission, but otherwise their labours had no result, except the production of a Bill for the consolidation of the criminal law, which was not passed when first brought forward, but which partially supplied the foundation of the Act subsequently passed for that purpose. Another Commission was afterwards issued when Lord Cranworth was Lord Chancellor, which did not prove quite so expensive, although it cost £21,000. The fruits of the labours of the second Commission consisted of a digested register of statutes, from the eleventh year of George III. to the time at which the register was made. Upon that register a measure of undoubted utility was founded, and passed in 1861. The principle upon which the register was compiled was that of tracing backwards the statutes from the present time, and noting the direct and specific operation of subsequent on earlier enactments. Its advantage was limited therefore to pointing out the direct relation of one statute to another, but it did not indicate the indirect effect which statutes sometimes had on those of earlier date. The Act of 1861 was intended to accomplish the revision of the statute law from the eleventh year of George III., including all the statutes of the United Kingdom from the Union with Ireland downwards; but its usefulness was under the same limitation to which he had referred in regard to the register. The late Lord Campbell, when Lord Chancellor, and the noble Lord now on the Woolsack, when Attorney General, deemed it desirable that the system of revision should be extended, so as to take within its scope the indirect as well as the direct effect of statutes. The result was the Bill before the House, which gave effect to a revision of the legislation of Parliament from the reign of King Henry III. down to James II. All the Acts during that period which had expired, which had been exhausted in their operation, which had been repealed virtually, though not specifically, by succeeding enactments, or which had become obsolete, were now to be removed from the statute book. The House had been furnished with the notes of the two learned gentlemen who had conducted the revision, in order that it might know the grounds on which they included any Act, or any part of an Act,

*Sir George Grey*

in the schedule of the Bill. It must be manifest to the House, that if it desired to see so useful a work accomplished, it must give a certain amount of confidence to those who had been concerned in the preparation of the measure. Nothing could be more idle than a proposal to refer such a Bill to a Select Committee. The idea was, in fact, so absurd that no one had suggested it. [Mr. HENNESSY: I did.] He had not observed any such suggestion on the notice paper, and, with all deference to the hon. Member, he must repeat that it was a very idle one. The House might, of course, if it thought fit, refuse to advance at all in the direction of revising and expurgating the statute book; but it was impossible that the House could go through the work which the gentlemen who drew up the schedule had done. No Select Committee, unless composed of lawyers of great knowledge and ability, could undertake the task; and even if they sat continuously, it would take them years to go through the statute book. Lord St. Leonard's, who was well known to be at once as learned in the law as any man living, and as little likely to favour rash alterations, said in another place that the gentlemen employed in this matter had proved themselves to be trustworthy by their former services, and that Parliament ought to accept their work very much on trust. Lord Cranworth, Lord Brougham, Lord Chelmsford, and, in fact, all those in the other House best competent to judge had taken the same view. The gentlemen who had prepared the present schedule were also the authors of the register, and he had not heard, that during the time which had elapsed since their former labours were embodied in an Act, any error had been discovered in it. In fact, a more conscientious, scrupulous, and careful performance of the duty it was impossible to conceive. Whenever any doubt had been felt as to whether an enactment was or was not now operative in law, it had been retained; and the gentlemen engaged had from time to time referred such questions to the Lord Chancellor and the Law Officers of the Crown, who had given them attentive consideration, and shared the responsibility of the decision which was arrived at. The gentlemen to whose labours they owed the Bill now before the House—and it was as perfect a piece of work of its kind as could well be—were in good practice as barristers, and held a high reputation. They had been employed from October 1859 to

the present time, and during the whole of that period they had not received more than £3,125, which was a very small sum compared with the expenses of the previous Commission. The hon. Member for the King's County had placed on the notice paper Amendments to strike certain Acts out of the schedule, and he was very glad that an opportunity would thus be afforded of proving the merits of the measure by testing particular parts of it.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR FITZROY KELLY said, he concurred in much that had fallen from his hon. and learned Friend. Great credit was undoubtedly due to the Lord Chancellor and the other Members of the Government who were concerned for having taken so effectual a step in the performance of the great work of statute law revision. Without a measure, or rather a series of measures, dealing with the whole of the statute law from Magna Charta to the present time, it would be utterly impossible not only to effect a consolidation of the statutes, but even to take a single step towards a revised edition of them. By judicious consolidation the statute law, which now filled forty-three closely-printed folio volumes, might be reduced to four or five volumes, at the most, containing some 300 Acts, and that was obviously an object of great importance. His hon. and learned Friend had scarcely done justice to the second Statute Law Commission. Whatever had been done yet, or whatever might subsequently be done in the direction of the Bill, had emanated from the suggestions and plans of that Commission. He believed the House might safely place confidence in the labours of the gentlemen who had prepared the Bill, and pass it into law. He regretted, however, that in other respects the Government had neglected some of the most important of the recommendations of the Commissioners. The Act of 1861 extended from about the time of the eleventh year of George III. to 1858, and the present Bill from the death of Henry III. down to the beginning of the reign of James II. There was a gap of eighty or a hundred years between these periods, concerning the plans of the Government in regard to which he should have liked some information from his hon. and learned Friend. He would remind the House that any measure upon

this subject, to be effective, must not be limited to expurgation. If they attempted merely an index of the statutes, they would reduce the volumes to not more than thirty-five, instead of to four or five, and there would be the same confusion, contradiction, and uncertainty which existed at the present time. The statute book was full of anomalies and contradictions. From the time of Henry III. in almost any Act of Parliament might be found clauses on which arguments might be founded that they impliedly repealed some earlier enactment, and he might say that of the entire litigation of the country about a fourth was occasioned by the difficulty, and in some cases the impossibility, of determining what was and what was not impliedly repealed, in the statute law. Hence it was of great importance that expurgation should be extended to enactments which were impliedly as well as those which were expressly repealed. The present measure would reduce the statutes from forty-three to perhaps thirty volumes. [The SOLICITOR GENERAL: To eight!] He was glad to hear the remark of his hon. and learned Friend; but if the present measure would bring down the statute law to eight volumes, the further expurgation he had suggested would reduce them to three or four. Moreover, if they stopped there, they would leave untouched another grievance. At present the forty-three volumes of the statute book consisted perhaps of a million and a half separate enactments, scattered through them without order, distinction, or classification, and extending over 500 or 600 years. For instance, the enactments constituting the law of real property extended from the statute of *Quia Emptores* to the present time, ranging over a period of 550 years, and numbering between 600 and 800. That objectionable state of things would remain unremedied unless consolidation proceeded along with expurgation. Much confusion and perplexity were caused by the way in which clauses were inserted in Acts with which they had no rational connection. In one of the statutes of George II. there was to be found a provision for imposing a tax upon windows, and almost in the very same sentence (there was no punctuation) a provision that in all the statutes which should be thereafter passed relating to England and Wales, Berwick-on-Tweed should be included unless expressly excluded. Who would expect to find in a window Act an important general provi-

*Sir Fitzroy Kelley*

sion of that kind? Again, in a statute of George III. there was in one and the same clause a provision for repressing thieving and rapine on the borders of Scotland, and one prohibiting the sale of certain wines without a special licence, and another for regulating the prosecution of offenders. If the consolidation of the statutes proceeded simultaneously with their expurgation, all such anomalies would be removed, and by the time the work was completed the statutes would be only about three hundred in number, each comprising the whole of the statute law on the particular subject to which it related. He hoped, therefore, that the Government would see the propriety of proceeding with it, according to the plan of the Statute Law Commission.

MR. HENNESSY said, he agreed with the hon. and learned Gentleman that the introduction of only a few Amendments would have the effect of preventing the passing of the Bill during the present Session. There were several Amendments which had only to be suggested to induce the House to postpone the consideration of the Bill till next year. It had been said that they must take the Bill upon trust, and the Solicitor General had alluded to the eminent men who had given it the sanction of their approval in another place. As a reply to that argument, if it could be called such, he might recall to the recollection of hon. Members that only a Session or two ago he persuaded the House to reject a Bill on pleas and indictments which had been passed by the other branch of the Legislature. The House had been told that the present Bill, if passed, would do away with almost all the statute laws from Magna Charta to the end of the reign of James II. He found, however, on examining the schedule, that the Bill, if converted into an Act on the following day, would leave about 1,000 statutes unrepealed. One of the Acts left unrepealed was the 3 *Edward I.*, c. 2, which provided that a clerk convicted of felony should be delivered to the ordinary, and should not depart without purgation. Another was the 3 *Edward I.*, c. 6, which enacted that a villein saving his wainage should have amercement.

THE SOLICITOR GENERAL said, that the statutes in question were expressly repealed by one of Sir Robert Peel's Acts.

MR. HENNESSY asked by which of them.

THE SOLICITOR GENERAL said, he did not carry the statute book in his head, but the fact was as he had stated it.

Mr. HENNESSY said, he had objections to other parts of the Bill. It was proposed to sweep away old statutes, which had either been virtually repealed, or had become obsolete. One of the statutes said to be dealt with was the 28 *Edward III.*, c. 11, with respect to which the framers of the Bill said, in a note, "It seems doubtful whether the repeal, which is of so much of a statute made in the 28th year of *Edward III.* as relates to making cry and fresh suit, and to hundreds and franchises being answerable as therein mentioned, covers so much as relates to inquests; but if not, it is considered this portion is either virtually repealed or is obsolete." The House were actually asked to pass a Bill which destroyed a statute that the framers themselves did not know for certain was either repealed or obsolete. Another Statute to be repealed was the 28 *Edward III.*, c. 13, which might be called the Magna Charta of aliens and denizens in this country. The framers of the Bill said that statute was unnecessary; but it was cited almost every day in the courts of law—whenever, in fact, a question was raised as to a mixed jury. He thought that sample was of itself enough to condemn the whole Bill. There were a great many other statutes described in the Bill as obsolete or unnecessary, and consequently fit to be repealed, which were cited in the text books of Sugden, Archbold, and Broome as being in full force and vigour at the present moment. He observed that the framers of the Bill, misled by its title, proposed to repeal the 24 *Henry VIII.*, c. 4. That Act was entitled "An Act concerning the sowing of flax and hemp;" but, as Lord St. Leonard's had pointed out, it was actually the statute on which the law of England depended as to the measurement of the statute acre. Of another Act which the Bill proposed to repeal, the same noble and learned Lord said, that though nearly obsolete, it was not quite so, and he mentioned a recent case within his own knowledge. Among the Acts to be repealed was the 12 *Charles II.*, c. 24, which took away the court of wards and liveries, and tenures in *capite* and by knight's service and purveyance, and settled a revenue upon His Majesty in lieu thereof. Upon that provision of the Bill a very important question, involving the privileges of the House, arose. The framers of the Bill stated that the Act of *Charles II.* was referred to in the 1 *Will. IV.*, c. 51, as the Act on which the hereditary

duties on beer, ale, cider, and perry rested; that by section 2 of the Act of William the collection of these hereditary duties was suspended during the life of that Sovereign, and by section 4 was to be revived on his demise; and, finally, that by the 1 & 2 *Vict.*, c. 2, section 7, the collection of these duties was suspended during the continuance of that Act. It was thus proposed to entirely repeal a statute which was merely suspended until the demise of the Queen, and here was a Bill which affected the hereditary duties of the Crown, and yet which had not been introduced, as he maintained it ought to have been, in a Committee of the Whole House, but which had come down to them from the other House. A large portion of the Bill indeed, was devoted to the repeal of Acts relating to trade, and he would appeal to Mr. Speaker whether such a measure should not have been introduced in Committee. One Act granting important privileges to the traders of Kidderminster was to be swept from the Statute-book, and he contended that some notice ought to have been given to those so deeply concerned. Another Act to be repealed affected the corporate privileges of the City of London in connection with the Company of Fishmongers. The framers of the Bill said it was obsolete, but the Corporation of London, a sturdy stickler for its rights, would probably take a different view, and it was certainly a fact that in a recent case in which the Corporation was concerned one or more older statutes were quoted in a court of law. Again, it was proposed to repeal the 1 *Edward IV.*, c. 13, which the framers of the Bill described as an Act making "several grants to divers corporations, &c." That was a rather sweeping repeal; one did not know what it might imply. There were also several cases of doubt. In one instance the framers of the Bill, calling attention to an Act which gave authority to the Queen upon the avoidance of archbishoprics and bishoprics to take into her hands certain temporal possessions, said it was conceived that the power given was personal to Queen Elizabeth. The framers might happen to be wrong, and yet they proposed to repeal an Act relating to religion and the Royal prerogative, in which the Queen herself might take a lively interest. It was also proposed to repeal the 32 *Henry VIII.*, c. 30, upon which the keeping of terms by law students in Ireland in great mea-



sure depended. The only argument advanced in favour of the Bill was, that it would reduce the Statute-book from forty-three to eight or ten volumes; but he maintained, on the contrary, that the reduction would not exceed at most three volumes. A learned friend of his, on measuring the space covered by the backs of the forty-three volumes of statutes in his library, found that it was exactly nine feet in length, and he calculated that if the Bill were passed, it would reduce those nine feet by six inches. Such a measure ought to be considered by a Select Committee, but it was too late for that at that period of the Session, and consequently he had no other course open to him than to move, as an Amendment, that the House should go into Committee on the Bill that day week. In the event of the Bill being brought forward next Session, which he supposed it would be, he should then feel it was his duty to move that it be sent to a Select Committee.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day week, resolve itself into the said Committee,"—(*Mr. Hennessy*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR HUGH CAIRNS said, he quite agreed with the hon. and learned Member for the King's County that a Bill of that character and importance ought not to be accepted merely because it had been sanctioned by the authority of eminent names in another place, although that was a circumstance not to be overlooked; but, at the same time, he thought the House must see that such a measure must be taken to a great extent upon trust. He did not propose to advert in detail to the examples which the hon. and learned Member had submitted as tests of the manner in which the framers of the Bill had done their work. Those tests would have to be considered when the House went into Committee on this Bill, and he thought it would be found that a satisfactory answer could be given to every one of the objections noted by the hon. Member. The hon. Member had fallen into an error as to the alleged effect of the Bill, if passed, in reducing the bulk of the statutes. This was only part of a far larger scheme. It was proposed to produce that, the want of

*Mr. Hennessy*

which had been a crying disgrace for many years—an expurgated edition of the statutes containing nothing but those Acts which were in force at the present time. No legislation was required with respect to Acts which had already been expressly repealed, but there was another class of enactments to be dealt with—those which had not been expressly repealed, but which had expired, become obsolete, or been repealed by implication. In 1861, without the aid of a Select Committee, an Act was passed, performing the office he had described upon all the statutes ranging from the 11 Geo. III., 1771, to 1860. The present Bill dealt with the period before the Revolution; and if it were carried, the only statutes remaining to be dealt with would be those enacted from 1688 to 1771. He believed the effect of the whole scheme would be to reduce the statute book from forty-three to somewhere about eight volumes, and, for his own part, he could not conceive a more desirable operation. The framers of the Bill deserved the confidence of the House. They were remarkable for accuracy and intelligence, and it was highly to their credit, that whereas about £50,000 had been expended on Statute Law Commissions, the work which led to the Act passed in 1861 and to the compilation of the present Bill had been done for £3,000 or £4,000. If in Committee it could be shown that there had been a want of accuracy in the performance of the work, that might be a good reason for reporting Progress, and not proceeding further with the measure that Session. But he believed that the work had been executed with great care, and that the criticisms of the hon. and learned Member for the King's County were not well founded. Indeed, the answer to some of that Gentleman's observations was apparent on the very face of the schedule. He hoped, then, that the House would go into Committee on the Bill, and allow some progress to be made in a work which had already been too long delayed.

MR. HENLEY said, he agreed with the hon. and learned Member for Belfast as to the advantage of getting rid of all enactments properly coming under the definition contained in the preamble of the Bill. It was, however, most desirable that that operation should be carried out with accuracy and care; and he did not think it fair to call upon that branch of the legislature to deal with a measure of that mag-

nitude and importance, when it had been in their hands only nine days. The Acts passed in recent times did not so much turn upon great principles as those passed in the reigns of Henry VIII., Mary, and Elizabeth. The legislation of Henry VIII. was repealed by the legislation of Mary, and the Acts of Mary were again repealed by the Acts of Elizabeth; and the cross work of that period might touch very important matters connected with our laws. Those subjects required very delicate handling in a Bill like that before them. He was not competent to say whether there were any real blots in the measure, but he would ask what inconvenience there could be in postponing it, as far as that House was concerned, till the beginning of next Session. That would give time to those hon. Members who were capable of looking into those questions to ascertain whether this work had been satisfactorily done. That important Bill had been before the other branch of the Legislature nearly the whole of the Session, and now, within a very few days of the prorogation, that House was expected to take it upon trust, and told that any discussion or alteration of its provisions would be fatal to the whole measure. If in describing one hundred statutes as repealed a mistake was made as to any one, surely that mistake could not involve the remaining ninety-nine. It might be that the two Gentlemen mentioned by the hon. and learned Member for Belfast were well qualified for the task that had been intrusted to them, but human beings must always be liable to err; and it was important to bear in mind that in a matter of that kind accuracy was of greater importance than speed. If they should chance to expurgate any enactments which ought properly to be retained, and had afterwards to revive them by fresh legislation, the progress made would be more apparent than real. It was not pretended that the expurgated edition of the statutes was to be published in the next autumn; and therefore no inconvenience would result from delaying the Bill until another Session.

MR. CLAY said, he must admit that the Bill had been a very short time in the House, but still there was such a general assent in favour of the measure, that unless some very grave objection were established, he thought they ought to go into Committee upon it. From its nature a measure of that kind must always be taken in a great degree upon trust, inasmuch as it was

pretty certain that very few Members of that House would ever undertake to examine and compare all its details. The hon. and learned Member for the King's County had shown, that although the Bill had not been long before them, there had been time enough afforded to hostile and ingenious critics for discovering in its inaccuracies if such inaccuracies really existed. But the Committee would supply the best opportunity of considering those points. The learned Members of that House were generally reproached with raising obstacles to law reform; and now that the highest legal authorities on both sides were agreed upon this Bill, it would be a pity if some progress were not made this Session in that necessary and useful work.

MR. AYRTON said, he should be sorry to be regarded as an obstructor of legal reform, but he looked on the Bill before the House as the greatest obstacle to such reform that had been seen for a long time past. The Statute Law Commission had been eulogized that day; but general dissatisfaction had often been expressed against its constitution and proceedings by the House. Several years ago, when the hon. Member for West Surrey proposed that a compendious edition of the statutes in vigour should forthwith be prepared and printed at the public expense, the Statute Law Commission was always able to defeat that proposal. In 1859 the controversy with that body was brought to a head; and the majority of the House having pronounced against the views of the Commission, in deference to that vote the Commission was dissolved. Great difficulties were involved in the course of proceeding recommended by the Statute Law Commission, which sought to effect its object by means of legislation. The project for preparing a compendious edition of the statutes in force had this superior merit—that it would place in the hands of the legal profession and of public bodies a convenient and useful compendium of existing Acts, which would depend for its authority upon the accuracy and the character of the editors who framed it. The editors could set to work with freedom; and if any part of their labours turned out to be faulty, reference could be made to the statutes to correct their errors, and no wrong or injustice would be done. If that course had been pursued, the task of preparing a valuable compendium of the living statute-law

might by that date have been accomplished. The Bill under consideration, however, was an indirect mode of reversing the decision come to by the House in 1859; for while the Statute Law Commission had been dissolved in form, it was attempted to be revived in practice; and they were drifting back to the system which had cost the country so much without yielding any practical benefit. The Act of 1861, which had been so much praised, was a mere piece of clerk's work and really of little or no use. It dealt only with statutes which undoubtedly had been repealed and about which there was no difficulty. The faults of the present Bill were of an opposite kind. It sought to repeal Acts which the lapse of time or the change of circumstances rendered unnecessary, and about the vitality of which doubts in some instances existed. Its framers, therefore, virtually trenching upon the functions of the Legislature. The House ought not to take upon trust anything beyond that which was merely clerical and technical; it should receive clear information as to how much of the measure was purely formal and how much was substantial. The Solicitor General had spoken contemptuously of the proposal to refer the Bill to a Committee upstairs, but a Select Committee could have made such inquiries on doubtful points as it was not only convenient, but necessary to have made. The Bill had two sorts of inaccuracies—one of these he had tested, the other he had not. The Bill would still leave in the statute book certain Acts which it would be wholly unnecessary to print in any new and compendious working edition of the statutes. Among these were the Act to regulate the rebuilding of London after the Great Fire. On the other hand, it would repeal Acts which ought to be retained—for example, the 15 *Charles II.*, c. 11. That Act was to be totally repealed, because the Commissioners of Excise said they did not deem it of any use; but it contained a clause enacting that common brewers of beer and certain other persons should be disqualified from acting as justices of the peace in cases relating to the Excise laws. That was an important provision, which it would be a serious error to repeal. In conclusion, he must enter his emphatic protest against proceeding any further with the measure at a period of the Session when it was impossible for the House to do justice to it.

*Mr. Ayrton*

THE SOLICITOR GENERAL said, that hon. Gentlemen who raised all sorts of ghosts and spectres from their own imagination ended by suggesting that the Bill should be put off till another Session. He had no doubt, that if the Bill were put off, they would do the same thing again. He believed that the labours of a Select Committee of that House would not in any way facilitate the passing of a Bill of so special a character. All that a Select Committee could do would be to inquire into a few of its details, and that was a work which could be as efficiently performed in a Committee of the Whole House. Not a single criticism had been made that day which a careful examination of the measure itself might not have spared. The hon. and learned Member for the King's County had given notice of his intention to move the omission of certain Acts from the schedule; and having come down armed at all points to answer the hon. and learned Member, he had found him changing his ground and taking a new set of objections which might be shown, every one of them, to be equally mare's-nests with the others. The hon. and learned Gentleman seemed to suppose, because he found certain old Acts mentioned in the text-books giving a history of the law, that these Acts were necessarily in force; but he was prepared to show that they were virtually repealed. As to the Act having reference to the rights of aliens to have a jury upon the principle *de medietate linguae*, if the hon. and learned Member had but followed the clue afforded by the marginal note appended to the Bill, he would have found that the 6 *Geo. IV.*, c. 50, clause 72, expressly repealed, *inter alia*, so much of the statute or ordinance made in the 28th of *Edward III.* as directed how all manner of inquests should be taken between aliens and denizens. The hon. and learned Gentleman had cited another statute with reference to the duties on beer and cider, which he said were part of the hereditary revenues of the Crown, but which were suspended under the Civil List Act, and might be revived. That Act, the hon. and learned Gentleman said, was repealed; but if he had taken the pains to read a little further on, he would have seen that the Bill did not repeal what related to "beer, ale, cider, or perry," but only what related to "metheglin or mead, vinegar," &c., the duties on which were previously repealed. The matter did not rest solely on the judg-

ment of the gentlemen who drew the Bill. They took care to inform themselves by reference to the Excise as to the exact state of the law. If the work of expurgation and consolidation was to be done at all, it must be done in the manner proposed; and objections such as those which had now been urged would prevent them from accomplishing the object which the Legislature had in view altogether.

MR. SPEAKER: A point of order has been referred to me as to the mode in which certain statutes which have reference to religion and trade have been dealt with in this Bill, and complaint is made that this Bill, so far as the statutes are concerned, has not originated in a Committee of the Whole House. It is perfectly true that that rule applies to Bills introduced into this House; the order of the House is that they should go through the preliminary stage of a Committee, but that does not relate to Bills of that character that come down from the House of Lords. Bills relating to religion come continually down from the House of Lords, and also Bills relating to trade; only the other day the Alkali Bill, regulating that entire trade, was brought down, on which no objection was made that it did not originate in a Committee of the Whole House. The object of the rule, that Bills relating to religion and trade shall be founded on a Resolution of a preliminary Committee, is in order to give opportunity for a fuller discussion and a wider notice to the persons interested. These objects have been already secured by the proceedings in the other House, and therefore the rule does not apply to Bills originated in the other House, and the objection, in point of form, does not apply in this case.

MR. HENNESSY, in withdrawing the Amendment, said, he still adhered to the objections he had urged with reference to the repeal of the hereditary duties, and thought that a mistake had been committed.

SIR HUGH CAIRNS observed, that there was a great difference between repealing a duty and making it to cease. The Act of Charles II. made the duty in question to cease, but this Bill proposed to repeal it.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

MR. HENNESSY said, he should move

that the Chairman report progress, and was prepared to give the Committee one or two palpable reasons for assenting to his Motion. He would draw attention specially to the Act 15 Charles II., c. 11. It was to be repealed. Why? Because, as stated in the Bill, "it is regarded as not being in force by the Inland Revenue Department."

THE CHAIRMAN said, the hon. Member was anticipating the discussion of the schedule, which could not be discussed on the question to report progress.

Motion *negatived*.

On the Motion to postpone the Preamble.

MR. HENNESSY renewed his objection. The 15 Charles II., which was regarded by the Commissioners of Inland Revenue as not being in force, imposed certain penalties upon the Commissioners of the Inland Revenue Department for misconduct, and directed that they should, if found guilty, pay a double penalty. It might be necessary to repeal that part of the Act, but he should like to know from the hon. and learned Gentleman why he asked them to repeal the whole of the Act because it was regarded by the Inland Revenue Commissioners as not being in force.

THE SOLICITOR GENERAL: Because at various times laws have been passed to consolidate those excise matters. The 7 & 8 George IV. consolidated the whole law relating to the collection and management of the revenue from excise.

MR. AYRTON said, that what was really wanted was a compendious edition of the statutes, leaving out all that were spent, repealed, or obsolete; and that would have been long since acquired if it were not for the obstructive proceedings of the Statute Law Commissioners.

MR. HENNESSY said, that the notes to the Bill, which they were told gave hon. Members so much information with respect to the Acts proposed to be dealt with that they might take the Bill on authority, were so imperfect that the hon. and learned Gentleman had now to supplement that information. That was an additional reason why they should not proceed with the Bill.

SIR HUGH CAIRNS said, he was of opinion that there was no force in his hon. Friend's objection.

Preamble postponed.

Clause 1 (Enactments of Schedule repealed).

MR. GOSCHEN said, he wished to move an Amendment to insert the words "cus-

tom, privilege, restriction, and prevention," after the word "usage," the object being to preserve the privileges of the City of London.

THE SOLICITOR GENERAL said, he did not think the words at all necessary; but as they would do no harm, he had no objection to their insertion.

MR. CLAY remarked, that it was rather extraordinary, when their object was to get rid of so much rubbish, that the Solicitor General should consent to the introduction of words which he did not think necessary, on the mere ground that they would do no harm.

MR. HENNESSY said, he wished to ask what was the value of the suggestion that the Bill should be taken on trust. An Amendment of the same nature had been once before suggested to the Government, and refused.

THE SOLICITOR GENERAL said, that the words proposed to be inserted would allay some alarm in the City of London, the authorities thinking that their privileges would be interfered with if the words were not added to the Clause.

Clause, as amended, *agreed to*.

Clause 2 (Extent of Act).

MR. HENNESSY said, he wished to point out that the first item of the schedule referred to the Act of the 20 Henry III., called the Statute of Ireland in respect to Coparceners, whereas the Act was to extend to England only.

THE SOLICITOR GENERAL explained, that the statute in question, although called the Statute of Ireland, had in reality no reference to Ireland, and it was proposed to deal with the statutes relating to Ireland separately. It was quite true that by Poyning's Act, in the reign of Henry VII., the whole of the English law was extended to Ireland; but the Bill dealt with dead statutes, and it was thought better to deal with the English statutes separately.

MR. HENLEY remarked, that if the statutes which were to be dealt with by the Bill had no application to Ireland, he did not see why the operation of the Bill should be limited expressly to England? They were asked to take the Bill on trust, but on so large a question he thought they ought to exercise some voice. It was scarcely necessary to deal with the whole matter over again when they came to consider the consolidation of the law for Ireland; nor could he see what the object of omitting Ireland was.

*Mr. Goschen*

THE SOLICITOR GENERAL said, the Bill dealt altogether with what might be called dead law in England. The legislation at present proposed was confined to England; and if any part of the law that was dead in England was living in Ireland, it would remain unaltered in that country after the Bill had passed.

MR. WARNER asked, whether it would not be necessary, after the passing of the Bill, to print as Irish statutes the statutes dealt with by it?

THE SOLICITOR GENERAL replied, that these English Acts had never been printed as part of the Irish law.

MR. HENLEY observed, that the consequence of the present arrangement would be, that whenever it should please Parliament to repeal the Irish statute law, they would have again to go over their work, extending back to the time of Henry VIII. The hon. and learned Gentleman talked of dead law. Was it dead in both countries? If so, why keep it apparently alive in Ireland?

MR. AYRTON said, he did not see any necessity for the Bill. Never before had there been any such attempt to circumvent the House by giving up forms and names and keeping the substance.

MR. HENNESSY said, they were told that the Bill dealt only with dead law. They were also told that the Bill was to apply to Acts of such a nature as were not legally capable of being put in force, regard being had to alterations in political and social circumstances. Who was to judge whether the circumstances were such as to make a particular statute a dead law? Dead law was further described in the Bill as all enactments where the provisions were of such a nature as not to require in the present day any statutable authority. Blackstone referred to the statute protecting merchants coming to this country as a very important statute, but that enactment was to be abolished because the framers of the Bill considered it to be unnecessary.

Clause 2 and 3 *agreed to*.

Schedule.

MR. HENNESSY observed, that the 28 Henry III., c. 3, was to be repealed. Why were not cc. 1 and 2 of the same year also to be repealed?

THE SOLICITOR GENERAL said, he believed that the enactments referred to were either living law, or they had been expressly repealed by subsequent statutes.

MR. HENNESSY thought it was clear they did not know what they were doing. The 13 *Edward I.* was to be repealed as obsolete, but yet the statute was twice referred to in *Sugden on Powers* as an important statute. Blackstone also referred to it.

SIR HUGH CAIRNS observed, that only a portion of the statute had been repealed.

THE SOLICITOR GENERAL said, the whole subject of statute merchant would be found in the notes. It was not convenient for the hon. and learned Gentleman to start objections without notice.

MR. HENNESSY said, the framers of the Bill in their notes stated that "the nature of such debts is now well established and known, and it is apprehended that there is never any occasion for the statutes creating the securities called statutes merchant." But both Blackstone and Lord St. Leonards referred to the statute as important.

THE SOLICITOR GENERAL remarked, that the statute would be as accessible after the Bill passed as it was before. Many Acts were referred to that had been repealed. The later Acts governing the subject were all specified; and as existing rights were preserved, there could be no danger from the Bill.

MR. HENNESSY said, he found an old statute for the assize of ale, against selling unwholesome flesh, and against the adulteration of oatmeal. There were complaints of adulteration in the present days, and he could not understand why these Acts should be repealed. He doubted whether they were obsolete.

SIR FRANCIS GOLDSMID said, he would remind the hon. and learned Member that the subject of adulteration had been very recently dealt with by Parliament.

MR. HENNESSY asked what was meant by "virtually repealed"?

THE SOLICITOR GENERAL said, "virtually repealed" meant that an Act had been repealed in general terms in general Acts without any special statute of repeal. When by modern legislation the whole ground embraced in a particular statute had been covered, that statute might be said to be superseded. The term "obsolete" applied to cases where the existing law was of more recent date, and where no one for centuries had thought of digging out the ancient statutes. They all knew that the subject of the sale of unwholesome flesh was dealt with by the

present law, while the statute referred to had been in use for centuries, and might therefore well be called obsolete.

THE CHAIRMAN said, he must remind hon. Members that the question before the Committee was whether there was any amendment to be proposed on the schedule. The time for a general conversation upon all the points embraced in the schedule would be when he put the Question that the Schedule stand part of the Bill.

MR. HENNESSY said, he would propose as an Amendment to the Schedule, page 19, to leave out "*Magna Charta*, the great charter of the liberties of England, and of the liberties of the forest." Surely, that was an Act which should be left upon record in the statute book. He would ask how much was actually covered by the repeal of the 37th clause of the Act 25 *Edward I.*?

THE SOLICITOR GENERAL said, that no doubt *Magna Charta* was a great historical document, and those who wished to see it as it was signed by King John—in which shape it did not appear upon the statute book—could refer to the document itself. Those who wished to see the statute of *Edward I.* would be able hereafter to refer to it in an old edition of the statutes, but that portion of it which it was proposed to deal with came within the category of "virtually repealed." The parts relating to military tenures had been abolished by the 12 *Charles II.*, c. 24. It was only now proposed to repeal a part of the 37th clause of the Act of *Edward I.*

MR. HENNESSY said, that the clause would reserve to all Archbishops, Bishops, Abbots, Priors, Templars, Hospitallers and all others, ecclesiastical and secular, all their then existing customs and rights. He would call the attention of his hon. Friend near him (Mr. Spooner) to the recital of the names of the Abbots of St. Alban's, of Battle, of Westminster, and other places. The rights of all these persons were to be expressly reserved upon the statute book. After the argument that all that which was unnecessary was to be struck out, he could not understand why all those names were to be retained.

THE SOLICITOR GENERAL explained that the formidable names referred to were those of the signers of *Magna Charta*.

SIR HUGH CAIRNS said, in old Acts the form used was that of an indenture between the Crown and the Barons, and from that cause the names of the Abbots

of Battle and others were found in Magna Charta.

MR. HENNESSY said, he thought there had been an oversight on the part of the framers of the Bill, but he should certainly not object to the retention of that portion of the clause. He would only repeat that Magna Charta was an historical document which had not been repealed in the time of Charles II. Mr. Burke, speaking of the French revolutionists, had said those people would mutilate the Habeas Corpus Act and alter Magna Charta, but that great man could never have anticipated that a British Government could have undertaken such a task.

SIR HUGH CAIRNS remarked, that the clause reserved the rights of all the subjects of the realm, and it was very hard that this reservation should not be retained, because, in the enumeration of the Queen's subjects, Templars, Hospitallers, and other persons of obsolete rank, were included.

*Amendment negatived.*

MR. HENNESSY asked what were the "several grants to divers corporations" which it was proposed to abolish by the repeal of 1 *Edward IV.*?

THE SOLICITOR GENERAL said, that no such grants would be abolished. The Act in question was what was called a spent Act. Centuries ago it had done the work for which it was intended, and there would be no use in retaining it on the statute book.

MR. HENNESSY asked why the 31 *Edward III.*, c. 10, empowering the mayor and aldermen of London to reform the defaults of victuallers there, should be included in the schedule?

THE SOLICITOR GENERAL said, he believed that the corporation were satisfied upon this point, and, that being so, he thought the House might be satisfied.

MR. ALDERMAN SALOMONS said, as an alderman of the corporation, he felt no anxiety as to the loss of any of the privileges of the City.

MR. HENNESSY said, if the corporation were satisfied, he should, of course, offer no opposition.

MR. ALDERMAN SALOMONS: We stand on our prescriptive rights, which are older than Parliament itself.

MR. HENNESSY said, it was proposed to repeal the 13 *Charles II.*, c. 6, "An Act declaring the sole right of the Militia to be in the king, and for the present ordering

and disposing the same;" but the preamble was to be retained "as a Parliamentary recognition of the right of the Crown to the supreme command of the Militia and of all forces by sea and land." Now, to repeal the enactments of a statute, and to preserve the preamble, which no one could call a statute, was incomprehensible. By retaining these words the privileges of subject seemed to be put aside, but an attempt was made to preserve the rights of the Crown.

THE SOLICITOR GENERAL said, that the Act in question had been entirely superseded by the Militia Act. The preamble was declaratory, but in the enactment there was nothing declaratory; and as a Parliamentary declaration, that the Crown had the right, and that the two Houses had not, it was thought well to retain the preamble.

MR. HENLEY said, he did not doubt that the preamble ought to remain, but it was awkward that all the enacting parts should be cut out, if they were going to lay a foundation for a revised edition of the statutes.

MR. AYRTON said, that the preamble only declared the sole right of the Militia to be in the King *sub modo*—that was, subject to the important qualifications in the Act, so that to retain the preamble alone would be to assert a constitutional principle hardly borne out by the facts, and to state that as an absolute and unqualified right in the Crown which was really a very limited right.

MR. HENNESSY said, he moved the omission of the preamble of the Act from the Schedule.

*Amendment negatived.*

MR. HENNESSY said, he thought it was much to be regretted that subjects of such importance should be treated at that period of the Session; for when the division bell rang, down poured all the friends of the Government from the Committee-rooms, and of course the Government were able to carry everything. In the Schedule there was a famous Act, the 28 *Edward III.*, c. 13, giving to aliens the privilege of a mixed jury upon their trial, and that Act was described in *Archbold's Criminal Practice*, by Welsby, as being only in part repealed by the 6 *Geo. IV.* That, therefore, was not a dead Act.

THE SOLICITOR GENERAL said, that the 6 *Geo. IV.* expressly repealed that portion of the Act of *Edward III.* which

*Sir Hugh Cairns*

had reference to the trial of aliens, and Mr. Archbold had doubtless set forth the old Act, not as governing the law, but as forming part of the history of the law.

Schedule, as amended *agreed to*.

House resumed.

Bill *reported* with Amendments; as amended, to be considered *To-morrow* at twelve of the clock.

#### AUGMENTATION OF BENEFICES

BILL (*Lords*).

[BILL 134.] COMMITTEE.

Bill *considered* in Committee.

Remaining Clauses *agreed to*.

Schedule *agreed to*

LORD JOHN MANNERS said, he would move the addition of a clause after Clause 6, providing, that in case the Ecclesiastical Commissioners shall have any tithe-rent charges in possession arising within a parish, they might grant the same to the value and in lieu of the annuity referred to in the Bill.

MR. HENLEY observed, that a rent charge on land was not subject to poor rates, but a tithe-rent charge was subject to poor rates. The rent charge upon land was payable by one person, while the tithe-rent charge might be payable by many persons, involving expense of collection. The two things were dissimilar, and words should be added to guard against the consequences of that dissimilarity.

THE SOLICITOR GENERAL said, he could not agree that the clause was necessary, as the object of it was sufficiently provided for by other clauses of the Bill.

Motion *withdrawn*.

MR. LYALL said, he would move the insertion of a clause to prevent speculation and jobbing in the livings included in the Bill by interdicting purchasers from selling until after the expiration of five years.

MR. MORRISON said, he had given notice of an Amendment in the clause, with a view of expending the prohibition to thirty years, and attaching a penalty to any infringement of it. If the Committee should prefer the clause to his Amendment, he would suggest that the term should be enlarged from five years to ten.

SIR GEORGE GREY said, he agreed in the principle of the clause; but as it was rejected by the House of Lords, the Government though it better not to insist upon it. He hoped the hon. Member would withdraw his Motion.

MR. AYRTON said, he should support the Amendment, as calculated to mitigate the evil which the Bill would create. The traffic in advowsons was a scandal to the Church.

House resumed.

Committee report progress; to sit again *To-morrow*, at Twelve of the clock.

House adjourned at ten minutes before six o'clock.

#### HOUSE OF LORDS,

Thursday, July 23, 1863.

MINUTES.]—PUBLIC BILLS.—*First Reading*—Consolidated Fund Appropriation\*; Indemnity\* (No. 246); Land Tax Commissioners' Names\* (No. 247); Pauper Lunatic Asylums\* (No. 245).

*Second Reading*—Poisoned Grain, &c. Prohibition\* (No. 243); Removal of Prisoners (Scotland)\* (No. 200); Railway Clauses\* (No. 238); Waterworks Clauses\* (No. 239); Turnpike Acts Continuance, &c.\* (No. 240); Expiring Laws Continuance\* (No. 241); Petty Sessions (Ireland)\* (No. 242).

*Committee*—Trustees (Scotland) Act Amendment\* (No. 53); Nuisances Removal Act (1855) Amendment\* (Nos. 226 & 249); Union Relief Aid Acts Continuance\* (No. 231); Turnpike Trusts Arrangements\* (No. 233).

*Report*—Trustees (Scotland) Act Amendment\*; Navy Prize Agents\*; Union Relief Aid Acts Continuance\*; Turnpike Trusts Arrangements\*; Nuisances Removal Act (1855) Amendment\*.

*Third Reading*—Stipendiary Magistrates\* (No. 222); Fisheries (Ireland) (No. 236); Fortifications (Provision for Expenses)\* (No. 225); Public Works and Fisheries Acts Amendment\* (No. 201); Vaccination (Scotland)\* (No. 230); Exhibition Medals [N.L.]\* (No. 234); and severally *passed*.

#### TIGHT ROPE ACCIDENT AT BIRMINGHAM.—OBSERVATIONS.

THE EARL OF MALMESBURY said, he thought it was high time that the attention of the Government and of Parliament should be called to the dreadful accidents that had occurred so often of late from walking on the tight-rope. Within the last six months two persons had been killed, and a third so mutilated that he believed she had never been able to leave her bed since. If any proofs were wanted of the demoralizing effect of such exhibitions, their Lordships had only to read the account of what had occurred at Aston-park the other day. Not only did the *fête* go on after the accident, but it was deliberately determined by the Com-



mittee that it was to continue, and a most unfeeling scene took place immediately after the death of the unfortunate woman. It had been said there was no law by which such things could be stopped; but he felt quite certain that they could, by the intervention of the police, who had power to prevent all improper exhibitions. The feats on such occasions would be quite as extraordinary if performed at ten or fifteen feet from the ground, and would not be dangerous. But he was informed the morbid feeling of the public was such, that if the rope were only ten or fifteen feet from the ground, no one would go to look at the performance. If that were so, it was clear that the danger to life was that which constituted the attraction. Somehow or other he thought that the Government might find means to prevent the repetition of these horrors, which shocked all civilized society, and, if continued, must greatly demoralize the lower classes.

EARL GRANVILLE said, he agreed with every word which the noble Earl had said as to the disgraceful character of these exhibitions, and regretted the morbid curiosity out of which they arose. His noble Friend was, however, slightly mistaken as to the power of the Government in these matters. All that the Home Secretary could do was to warn the authorities by whose permission these exhibitions took place of the dangerous nature of the performances, and to tell them that they exposed themselves to any legal responsibility which might attach to them in case of accidents. In many instances such warnings had been given, and had been attended to by the proprietors of the establishments at which the exhibitions were announced to take place. More than this the Government had not power to do, under the law as it now stood. Any alteration of the law must require grave consideration. For his own part, he thought that we must rely mainly upon public opinion for the suppression of these dangerous performances, and that an expression of strong condemnation in that House and elsewhere would have a more beneficial effect than the enactment of minute regulations.

THE EARL OF SHAFTESBURY said, that his noble Friend had done well to bring this subject before their Lordships. The whole interest in these exhibitions arose from the tremendous danger to which

*The Earl of Malmesbury*

the party performing was exposed. If the rope was stretched only three feet from the ground, and plenty of sawdust was put underneath, he did not believe that you could find five persons in England who would pay to see the performance. He knew that there were great difficulties in the way of legislating upon this subject; but the Government did sometimes interfere—as, for instance, when Blondin proposed to wheel his daughter across the rope at the Crystal Palace. He (the Earl of Shaftesbury) called the attention of the Home Secretary to the matter; Sir George Grey wrote to the managers of the Crystal Palace, and this part of the exhibition was abandoned. These exhibitions demoralized the whole population. He concurred with his noble Friend (Earl Granville) in thinking that public opinion, strongly and constantly directed, would prove far more effective for the suppression than legislation, and there was no means so powerful for the direction of public opinion as that the press should comment with becoming severity—as he was happy to say that they appeared willing to do—upon these exhibitions, and that, whenever they occurred, they should be discussed both in that and the other House of Parliament. If that were done, he hoped that in time the tastes of the people would attain a greater refinement, and that they would show a greater regard for the limbs and lives of their fellow creatures.

EARL GRANVILLE said, that the instance which his noble Friend had mentioned was one of those to which he had alluded. In that case the Home Secretary had warned the directors of the Crystal Palace that they might be responsible for any accident which might occur, and in consequence the exhibition which had been announced did not take place.

#### ALKALI WORKS REGULATION BILL [H.L.].

Report from the Committee of Reasons to be offered to the Commons for the Lords disagreeing to One of the Amendments made by the Commons to the said Bill; read, and *agreed to*; and Bill, with the Amendments and Reasons, returned to the Commons.

#### BUSINESS OF THE HOUSE.

*Ordered*, That on Friday and Monday next the Bill or Bills which are entered for Consideration on the Minutes of the Day shall have the Precedence which Bills have on Tuesdays and Thursdays: (*The Chairman of Committees.*)

FISHERIES (IRELAND) BILL—(No. 236.)  
THIRD READING.

Order of the Day for the Third Reading read.

THE EARL OF DERBY presented Petitions from certain persons owning fisheries in Ireland and representing a large number of persons similarly interested, complaining that this Bill did not contain any clause saving chartered immemorial rights. This was the first case, he believed, in which a Bill had been introduced into Parliament which proposed to abolish, without any compensation or even inquiry, the chartered rights of individuals, or rights which had been held from time immemorial. The Bill would utterly destroy those rights and interests without offering anything in the shape of compensation. With regard to the weirs, the Bill required the owners of them, upon application being made to them, to make free gaps in their weirs. It appeared that this question of gaps was by no means a new question in Ireland, for the question of requiring free gaps in the weirs had been the subject of legislation in Ireland more than a century ago. Such weirs, however, as had been used from time immemorial were exempted from the operation of that Act. The owners of Irish weirs founded their claim to exemption from such a requirement upon immemorial usage and grants from the Irish Parliament, and the Government, when the Bill was introduced into the other House, declared it was their intention to preserve ancient rights and interests. Up to a late period, therefore, the parties interested believed that they would be protected by the Legislature. The attempt to set aside these rights without compensation was made on a sudden, without notice, in a thin House, and only succeeded by a very small majority. Under these circumstances he thought it would be a great injustice to deprive by a Bill of this kind persons of their rights without any inquiry or previous notice—rights over property amounting to something like £300,000 a year; whereas the English rights, which were protected by Act of Parliament, did not extend beyond the value of £20,000. He should be sorry to see this Bill thrown out altogether; but he trusted, if they passed it, that their Lordships would, at all events, introduce a clause into it which would protect the

rights of those who had hitherto held them under a charter or according to immemorial usage. If their Lordships took that course, they would be enabled to gain time for the more mature consideration of the measure, and for ascertaining its operation, and in the next Session of Parliament the subject might be again deliberately discussed. The Bill, he thought, would greatly improve the value of the Irish fisheries on the whole, and he thought it possible that some persons who now viewed the Bill with serious apprehension would not suffer the amount of loss which they anticipated from its operation. But he should much regret the passing of the Bill without some such provision as he suggested, believing that it would have the effect of inflicting a serious blow upon the authority and character of their Lordships' House, which had heretofore jealously guarded private interests when any attempt was made to invade them. If this Bill, then, were allowed to pass into a law in its present crude and unjust form, he was of opinion that the confidence of the public in the justice of their Lordships' House would receive a blow from which it would not soon recover. Having said so much, he would now lay the Petitions upon the table.

LORD CRANWORTH presented a Petition from a gentlemen who had purchased a fishery, held under charter, in the Encumbered Estates Court, thereby adding a Parliamentary to his previously valid title. He had not worked the fishery last year, on account of circumstances explained in the Petition, and therefore, although the same engines as he was now using had been in use for several years previously, his property would be swept away under the terms of this Bill, because those engines had not been actually used in the fishery last year. He maintained that this was a case of extreme injustice, and it was but a specimen of hundreds which would be made known if there had been time to forward Petitions. He should not again go over the ground over which he had on a former occasion travelled; but believing the more useful the measure turned out to be in a public point of view, the more injuriously would it on future occasions operate, as furnishing a precedent for the invasion of private rights, he should move that it should be read a third time that day three months.

LORD ST. LEONARDS said, he thought

it had been clearly shown that the Bill involved an invasion of the rights of property which could not be justified, and he should therefore vote against the third reading.

LORD STANLEY OF ALDERLEY observed, that the discussion was somewhat irregular, as the Bill was not then before them. To make their proceedings regular, he then moved that the Bill be read a third time.

*Moved*, That the Bill be now read 3<sup>a</sup>.

LORD CRANWORTH said, as the subject appeared to him to be exhausted, he would not again go over the objections urged against the Bill. The question lay in a nutshell—namely, whether their Lordships would consent to the passing of a measure which would destroy rights of property that had been enjoyed from time immemorial, and which had been repeatedly recognized in our statute book. He believed that nine out of ten of the public in Ireland to be affected by it were utterly ignorant of the nature of the Bill. Pursuant to notice, he moved as an Amendment, that the Bill be read a third time that day three months.

Amendment *moved*, to leave out (“now”) and insert (“this day three months”).

THE DUKE OF ARGYLL said, he could not agree in the representations of the Bill which had been made by the noble and learned Lord. In his opinion, property in a salmon fishery was, primarily, a right to capture salmon in certain places, but not to capture it in those places by every possible mode. Salmon was a fish about which there was this peculiarity—that the whole race must, for the purposes of propagation, come to a certain point on the coast; and as what was termed the “run” of the fish was perfectly well known, it was quite possible that, by the aid furnished by the progress of mechanical invention, any one proprietor who had a share in the right of catching the fish in a particular river might be enabled to catch the whole of the fish which came into it. If, therefore, the right of property was pushed so far as to admit of that being done in the case of one individual, the rights of others would be destroyed; indeed, acting on the principle which was so zealously maintained by noble and learned Lords in that House especially, it was quite as wrong to limit the time during which fish might be caught as to restrict the mode in which it should be taken. He remembered well,

*Lord St. Leonard's*

for instance, that a noble Duke (the Duke of Richmond), who was known to be the largest salmon proprietor in the three kingdoms, objected, as he had a perfect right to do, to a provision in the Bill relating to Scotland, because it deprived him during every week of the salmon-catching season of so many hundreds of fish worth so many shillings. If it was wrong to rob a man of £500 a year, it was equally wrong, in principle, to rob him of £5, as it was quite in the power of one man, by an abuse of his rights, to deprive another of rights to which he was equally entitled. It could hardly be deemed unreasonable to interfere with the mode of catching the fish, seeing that the use of stake and bag nets had the effect of depriving many proprietors of their rights to capture salmon in their fisheries.

LORD CHELMSFORD said, he thought that the extent of the injustice which the Bill would inflict was hardly yet known to their Lordships. There were two distinct rights of fishery which ought to be kept separate—the rights of the owners of chartered weirs or of weirs existing from time immemorial, and the rights of owners who fished by stake and bag nets. The former were by law now entitled to compensation if an opening were made in their weirs. But this Bill proposed to give the Commissioners power to open gaps in weirs without the slightest compensation. It was admitted, however, that they were entitled to compensation; and what was said to them was—“We are going to remove a number of stake and bag nets, and your fisheries will thereby become the more valuable.” Thus it was that the promoters of the Bill played off some proprietors against others. But it was further said, “Your rights were granted by Act of Parliament, and by Act of Parliament they may be repealed.” But it was not the fact that all those rights were granted by the Act of 1842. That Act preserved all pre-existing rights; it did more, it sanctioned and confirmed them. But would it be said, that because rights were granted by Act of Parliament, therefore Parliament had a right to take them away? That he utterly denied. Suppose that Parliament had once improvidently and improperly conferred rights upon individuals, still Parliament could not deprive them of those rights without giving proper compensation. These rights of fishing by stake net and bag net had been dealt with like other descriptions of property. They had been the subject of sale

and transfer; they had been purchased for large sums of money, and had been charged with jointures and annuities. This question of the stake and bag net fishing was totally distinct from that of the weirs. In many instances the owners of stake nets and bag nets would be entirely deprived of their property. He certainly felt that this Bill had been introduced at a period of the Session when it was quite impossible that it could receive a degree of consideration equal to its importance, or that the rights and interests of those who would be affected by it could be deliberately considered. And if their Lordships were brought into this predicament by the late period at which this Bill was introduced, that they were unable to consider fairly and justly the mode in which these rights ought to be protected, it was desirable that the Bill should not be allowed to pass this Session; but that next Session there might be officially introduced a Bill which should, if they pleased, largely benefit these fisheries, but which should not obtain that advantage by that sacrifice of private interests and rights. The noble and learned Lord cited a passage from Blackstone which he considered singularly applicable to the present case. That writer says—

“So great is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public, but the law permits no man or set of men to do this without consent of the owner of the land.” [Book i., chap. 1.]

The learned writer proceeds to say that the legislature not only would, but in many cases did, interfere with private rights for the public good, but how did it do this? Not by stripping men of their rights, but by giving them a full indemnification by way of exchange. The public was now considered as an individual treating with another individual by way of exchange; and even this power was exercised by the Legislature with great caution. He trusted their Lordships would not compel some future editor of our great commentator to obliterate this passage, or to add a note in which he would be compelled to say that in the year 1863 Parliament reversed all these principles, and held that it was entitled arbitrarily to strip an individual of his property and substitute “robbery” for “exchange.” He trusted their Lordships would accede to the Motion of his noble and learned Friend.

THE MARQUESS OF CLANRICARDE said, in reply to an observation that had fallen from his noble and learned Friend below him (Lord Cranworth), that any man of education who did not know this question thoroughly by this time must have the misfortune to be both deaf and blind—for the newspapers and every rank of society in Ireland were full of it. The noble and learned Lord talked about the rights of these people, and about the lady whose jointure was charged upon these rights of fishing; but he felt satisfied that if this or some such Bill did not pass this Session or next, there would be no rights to preserve, for all the salmon fry in the Irish rivers was being rapidly destroyed. So far as rights depended upon the capture of fish, they would speedily be destroyed. The Bill, he maintained, was a compromise between one set of owners and another. The persons about whose rights the noble and learned Lord was so eloquent would not, he thought, be very grateful to him if he should succeed in throwing out the Bill, for they knew very well that the measure would be as beneficial to them as it would be to everybody else.

THE EARL OF WICKLOW said, he was glad to hear that the noble Marquess had the grace to confer another year upon these proprietors, and he hoped that next Session a Bill would be introduced with all the good provisions of this Bill, and excluding all the objectionable features. It seemed to him a most extraordinary thing that the provisions of the Bill which had been so strenuously opposed by the Government in the other House, and which had been forced upon them only by small minorities, should be so strongly supported by the Government in that House. The very fact that the Government in one House was at issue with the Government in the other was sufficient to render it advisable to pause for another year before passing the Bill. Something had been hinted about giving compensation to these owners in the shape of an increased quantity of fish; but if the quantity of fish were to be so much increased as was anticipated by this Act, there would be a corresponding diminution in the price, and the value of the compensation would not be very great. He should support the Motion of his noble and learned Friend.

LORD KINGSDOWN said, that he felt so strongly on the subject of this Bill, not as to its policy or impolicy, but as to

its justice or injustice—that he could not consent to give a silent vote on this occasion. As far as the objects of the measure went, he entirely sympathized with them. He believed its object to be to increase and protect the breed of salmon, and to give a fair share of fish to the upper proprietors on the rivers. He also thought it might promote fishing by rod and line, instead of a wholesale slaughter of the salmon by means of nets. In these ends he entirely concurred, and he believed that the Bill would accomplish them. But it was said that the rights of individuals interfered with these objects, and public interests rendered it necessary that these private rights should be sacrificed. Be it so; but upon what terms? Surely upon the same terms upon which all other private rights were abrogated? The rights of fishing were as much rights of property as the acres in any of their Lordships' parks, and they were just as much entitled to compensation if they were taken away. He was told that these persons would profit like the rest of the world in the increase of fish. That might be so; but let their Lordships suppose a railway carried through the park or the mansion of either of them; and when he asked for compensation, that he was told, "You derive compensation like everybody else from the increased advantages of travelling with greater speed and safety." These rights had been in existence for six or seven centuries; they had been granted by royal charter; they had been created by Act of Parliament. If they were to be abrogated, could it be held that the owners were not entitled to compensation? This principle had never yet been adopted, and he trusted it never would. The noble Duke opposite (the Duke of Somerset) had given him notice that he intended to take a house of his (Lord Kingsdown's). He was very much annoyed at the intention—but the noble Duke had not yet gone so far as to say that he did not intend to pay him for it. He was still more affected by the reasons that had been assigned for this measure. The doctrine that private property must be sacrificed to public good was nothing more than pure communism. If ever the saying "Thank God we have a House of Lords!" was sincerely used, he thought it might be invoked with some reasonable expectation and hope by the owners of these rights of fishing. Here, at least, they trusted to find the sanctuary of law and justice. It was said that lawyers

*Lord Kingsdown*

made bad legislators; but this was not a question of policy at all. It was a question of right or wrong, of justice or injustice, of honesty or robbery. He rejoiced to follow the noble example of the noble and learned Lord on the Woolsack, whose prompt and vigorous denunciation of the Bill had done him the greatest honour—honour to himself, and honour to the profession to which he belonged. He was not surprised that the lawyers should be found united in opposition to the Bill; for with what face could they sit as the representatives of their Lordships and administer justice to the suitors at their Lordships' Bar, if they consented to a measure which was an outrage upon all justice?

LORD STANLEY OF ALDERLEY said, that a considerable fallacy pervaded the arguments of the noble and learned Lords who had supported the Amendment. They had endeavoured to draw a closer analogy between one description of property and another than the facts at all warranted. The fact was, the Bill was more a matter of regulation than of prohibition. The noble and learned Lords spoke of taking away property vested in the owners of stake nets by the Act of 1842; but in reality there was a specific clause in the Bill (Clause 4) which secured in the enjoyment of his rights every man that was legally possessed of a stake net during the fishing season of 1862. Of course, if the noble and learned Lords meant an inchoate right—a right which was not actually exercised last year—he was prepared to contend that what an Act of Parliament gave in 1842 an Act of Parliament in 1863 might fairly say should not be continued, if it had not been actually made use of. Besides, the Act of 1842 appended important conditions to the permission which it gave in certain circumstances to erect stake nets. First of all those nets were to be subject to any regulations or restrictions that the Commissioners of Fisheries might impose for the encouragement or the preservation of the breed of salmon. In the second place, the stake nets were not to interfere with the common right of fishing which all Her Majesty's subjects had on the coast; and, that by the way, was a restriction which had actually been enforced. In the third place, they were not to interfere with the navigation—a condition which they had very generally overlooked. With regard to weirs, it did seem a reasonable thing that compensation should be given in cases

where gaps were made, and where the owner of the weir had an indefeasible right under charter. The Bill, as proposed by Her Majesty's Government, did contain a clause to that effect, but it was struck out by the House of Commons, and their Lordships had decided on a division against its re-insertion. He (Lord Stanley of Alderley) voted with the majority, and against the other Members of the Government on that question, only because their Lordships could have provided no satisfactory mode for providing the amount of compensation if the Amendment on which the question had been raised in their Lordships' House had been carried. The measure was a compromise, and there never had been a greater unanimity amongst the Irish Peers than with regard to it. He trusted, therefore, that the House would not reject a measure which had cost so much labour, and which was calculated to do so much good.

LORD WENSLEYDALE expressed his disapproval of the Bill in its present shape.

LORD CLONCURRY said, it was much to be regretted that the noble and learned Lords were not as well acquainted with the natural history of the salmon as they were with law. He believed, that if the opinion of all the owners of weirs, bag nets, and stake nets in Ireland were taken, it would be found that they were anxious the law should step in and regulate the mode of capture. Every one knew that it was necessary to permit a certain number of fish to pass to the upper waters to breed; but under the existing law every man said, "What is the use of my abstaining from taking all the fish I can? If I don't take them, my neighbour will." All the supporters of the Bill wanted was to increase the supply of salmon for the benefit of the public. At present salmon was an article of food denied to the middle classes of Ireland,—an extravagant luxury to which they would no more think of treating themselves than they would to turtle. He himself was the owner of a stake net on the coast eight or nine miles away from a river, and therefore not likely to injure the fishing, but for all that he would not think of opposing the Bill.

VISCOUNT LIFFORD protested against the doctrine which had been laid down by noble and learned Lords. All the supporters of the Bill asked was, that the encroachments of various kinds which had been legalized by the Act of 1842 should be put an end to.

THE EARL OF DERBY said, the vote he felt it his duty to give was one which he should give with great reluctance. He entirely concurred with many of the objects contemplated by the Bill. He by no means thought that the present fishing laws were in a satisfactory state, and he believed that many of the objects of the Bill were desirable, and that much of its machinery was calculated to secure them. But he regretted that he was compelled to the conclusion at which he had arrived, that he could not reconcile it to his sense of justice to withhold his assent from the proposition of the noble and learned Lord that the Bill should be read a third time that day three months. He would give his vote in the earnest hope, that if the proposition were carried, another Session would not pass over without a Bill being undertaken to effect the beneficial object contemplated by this measure, and at the same time avoiding the injustice with which this Bill was so strongly tainted. On the one hand they had the inconvenience of postponing the measure to another Session of Parliament, and on the other they had the positive and absolute objection that they were inflicting a grievous injustice upon a number of persons who had had no opportunity of stating their case, and showing how injuriously they would be affected by the Bill. There was this also to be taken into consideration—that their Lordships were entering on a course which that House had never yet sanctioned—namely, taking away private property for the public benefit without giving compensation. He might say, further, that he would have been more indisposed than he was to vote against this Bill if he had not observed during its progress that many of its supporters had steadily set themselves against making any concession, or assenting to the removal of any of the objectionable features it contained.

EARL GRANVILLE said, the Bill would confer an immense benefit upon Ireland, but he admitted there were provisions in it which he should be glad to see amended. For some of those Amendments he had voted, but the majority of the House was against him; but he regretted that he should not be able to give his vote for the Motion for the Proviso, of which his noble and learned Friend (Lord Cranworth) had given notice. The rights which some noble Lords were so anxious to maintain were, under the present system

diminishing in value, and it was quite clear that something should be done. He should be glad to see compensation given, but he could not refrain from voting for the third reading.

On Question, That ("now") stand Part of the Motion? their Lordships *divided*:—Contents 40; Not-Contents 25: Majority 15.

*Resolved in the Affirmative.*

Bill read 3<sup>d</sup> accordingly, with the Amendments.

#### CONTENTS.

Somerset, D.	Clarina, L.
Sutherland, D.	Cloncurry, L.
	Foley, L. [ <i>Teller</i> .]
Ailesbury, M.	Gardner, L.
	Hunsdon, L. ( <i>V. Falkland</i> .)
Airlie, E.	Keane, L.
Cottenham, E.	Lismore, L. ( <i>V. Lis-</i>
De Grey, E.	<i>more</i> .)
Desart, E.	Llanover, L.
Devon, E.	Manners, L.
Doncaster, E. ( <i>D. Buccleuch and Queensberry</i> .)	Methuen, L.
Ducie, E.	Mont Eagle, L. ( <i>M. Sligo</i> .)
Effingham, E.	Mostyn, L.
Granville, E.	Ponsonby, L. ( <i>E. Bessborough</i> .) [ <i>Teller</i> .]
Orkney, E.	Saye and Sele, L.
	Silchester, L. ( <i>E. Longford</i> .)
De Vesci, V.	Somerhill, L. ( <i>M. Clanricarde</i> .)
Hawarden, V.	Stanley of Alderley, L.
Hutchinson, V. ( <i>E. Donoughmore</i> .)	Sundridge, L. ( <i>D. Argyll</i> .)
Lifford, V.	Talbot de Malahide, L.
Melville, V.	Wynford, L.
Abercromby, L.	
Clandeboyne, L. ( <i>L. Dufferin and Claneboye</i> .)	

#### NOT-CONTENTS.

Westbury, L. ( <i>L. Chancellor</i> .)	Wicklow, E.
	Calthorpe, L.
Bath, M.	Chelmsford, L. [ <i>Teller</i> .]
Exeter, M.	Churston, L.
Normanby, M.	Congleton, L.
	Cranworth, L. [ <i>Teller</i> .]
Beauchamp, E.	Denman, L.
Cardigan, E.	Kingsdown, L.
Chichester, E.	Monson, L.
Derby, E.	Redesdale, L.
Ellenborough, E.	Templemore, L.
Lonsdale, E.	Tyrone, L. ( <i>M. Waterford</i> .)
Malmesbury, E.	Wensleydale, L.
Saint Germans, E.	

LORD CRANWORTH moved to insert the following Proviso, which, he said, was similar to that contained in the English and Scotch Acts:—

"Provided also, that nothing in this Act contained shall interfere with any Rights held at the Time of the passing of this Act under Royal Grant or Charter or possessed from Time immemorial."

*Earl Granville*

THE EARL OF DONOUGHMORE said, that as he and those who voted with him had been accused of robbery, he wished to say a few words as to the grounds upon which he should vote. These rights by charter and immemorial usage referred only to rights of fishing in certain places, but could not confer the right to use for catching fish engines which had not been invented when the charter was granted or the usage began. An Act of the Irish Parliament, moreover, passed in the 10th *Charles I.*, long after most of the charters were granted, and, of course, long after the commencement of immemorial usage—declared against all fixed engines of every sort in all the rivers in Ireland. This being so, his opinion was that in 1842, so far from there being a right to use fixed engines, such use was in defiance of that law. The present Bill did not take away any right of fishing, but only altered the mode of fishing, the same as had been done in England and Scotland. If the noble and learned Lord should succeed in carrying the Amendment, he (the Earl of Donoughmore) should feel it his duty to move the rejection of the Bill, which would then have become nothing but "a mockery, a delusion, and a snare."

On Question? their Lordships *divided*:—Contents 23; Not-Contents 34: Majority 11.

*Amendment negatived.*

THE EARL OF DONOUGHMORE moved to restore Clause 20 (Weekly Close Time for Stake Nets, &c.).

LORD STANLEY OF ALDERLEY said, that this question had been already determined by their Lordships, and therefore he could not support the Motion.

THE EARL OF MALMESBURY opposed the Motion.

On Question? their Lordships *divided*:—Contents 12; Not-Contents 37: Majority 25.

*Resolved in the Negative.*

*Protest against the Third Reading of the Bill.*

#### "DISSENTIENT:

"1. Because, although by the 5 & 6 *Vict.*, c. 106, sect. 18, it was declared and enacted, that any person legally possessed of or entitled to a Several Fishery in or along any Estuary in Ireland, might erect within the Bounds of such Fishery any Bag Net or other fixed Net for the taking of Salmon; and although the Right so de-

clared and enacted is a valuable Right, and has been enjoyed and exercised by the Owners of such Fisheries ever since the passing of the said Act, yet this Bill takes it away in all Cases as to Bag Nets and in many Cases as to other fixed Nets without giving Compensation to the Persons thus deprived of their legal Rights.

"2. Because, in other respects, the Bill infringes the legal Rights of Owners of Fishers without giving them Compensation.

"3. Because this Bill affords a dangerous Precedent for the Sacrifice of vested Rights in order thereby to obtain supposed public Benefits.

" WESTBURY, C.	" ST. GERMANE.
" CHANWORTH.	" KINGSDOWN.
" WENSLEYDALE.	" MONSUN.
" CHELMSFORD.	" DENMAN."
" DERBY.	

THE EARL OF DONOUGHMORE proposed an Amendment on Clause 24, limiting its operations to the cases of rivers which did not exceed 100 yards in width.

THE MARQUESS OF WATERFORD opposed the Motion.

*Amendment negatived.*

THE EARL OF AIRLIE moved the following Proviso:—

"Provided always that nothing herein contained shall prevent any person having a bag net or engine now in use, and in respect of which licence duty has been paid, from continuing the use of the same during the remainder of the present season."

*Motion agreed to: Proviso added.*

*Bill passed.*

House adjourned at a quarter before Eight o'clock, till To-morrow, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Thursday, July 23, 1863.*

MINUTES.]—SELECT COMMITTEE—ON Ordnance, Report (No. 487).

RESOLUTIONS IN COMMITTEE—East India Revenue Accounts.

PUBLIC BILLS — *First Reading* — Exhibition Medals (*Lords*) \* [Bill 261].

Committee—British Columbia Boundaries (*Lords*) [Bill 187]; Augmentation of Benefices (*Lords*) [Bill 134]; Rum Duty \* [Bill 250]; Clergymen (Colonies) (*Lords*) \* [Bill 251]; Alterations in Judges' Circuits (*Lords*) \* [Bill 252].

Report—British Columbia Boundaries (*Lords*); Augmentation of Benefices (*Lords*); Rum Duty \*; Clergymen (Colonies) (*Lords*) \*; Alterations in Judges' Circuits (*Lords*) \*.

Considered as amended — Statute Law Revision (*Lords*) \* [Bill 233]; Augmentation of Benefices (*Lords*) \* [Bill 134]; Clergymen (Colonies) (*Lords*) \* [Bill 251]; Alterations in Judges' Circuits (*Lords*) \* [Bill 252].

*Third Reading*—Consolidated Fund (Appropriation); Colonial Acts Confirmation (*Lords*) \* [Bill 250]; Partnership Law Amendment \* [Bill 242]; and severally passed.

*Withdrawn*—Superannuations (Union Officers) [Bill 253].

## CONSOLIDATED FUND (APPROPRIATION) BILL—THIRD READING.

Order for Third Reading read.

MR. SEYMOUR FITZGERALD said, that he rose, pursuant to notice, to ask a question with reference to the present relations between the Germanic Confederation and the Government of Denmark, and with reference to any further communications that have passed between Her Majesty's Minister at Copenhagen and the Danish Government. He had to express his regret at having brought down the noble Viscount at the morning sitting, and his personal obligations to the noble Viscount for attending in his place on the present occasion; but the Session was coming so near to a close that he was very unwilling it should terminate without obtaining from Her Majesty's Government some explanation of their policy with reference to the German Confederation and the Kingdom of Denmark. The difference between the German Confederation and Denmark had subsisted for several years—in fact, almost since the settlement of 1851 there had been these disputes going on, and from time to time they had been the subject of diplomatic interference on the part of the other Powers of Europe, but their friendly offices had seemed only to embitter the relations between Germany and Denmark. Until recently the policy of Her Majesty's Government, and of preceding Governments of this country, had been to support the rights of Denmark, and to refuse to admit any pretension on the part of the Germanic Confederation to interfere with the internal organization of the Kingdom of Denmark. No one had more emphatically adopted that policy than the noble Lord at the head of the Foreign Office, and the views he had expressed in his communication of the year 1861 met with the full approval of those who desired to see the independence of Denmark maintained. But, for some reason unknown to the world, the noble Earl the Foreign Secretary seemed to have adopted not only a different policy, but a policy totally contradictory to that which for so long a period had been adopted by himself and by those who preceded him in the important



office he held. Towards the close of the last year, the noble Lord, in a communication addressed to the Court of Denmark, proposed in effect what was a new constitution for the Kingdom of Denmark and its dependencies. That was now a matter of history. A more extraordinary proposition was never made, for it was in reality a new constitution for an independent kingdom. The noble Lord discussed the subject of a moderate civil list, and he went into matters connected with the internal affairs of Denmark, as though he had been the prime minister of Denmark, and not the Minister of England. That was an absurd, but, at the same time, it was obviously a dangerous proceeding, on the part of the noble Lord. For, on the one hand, he told the King of Denmark that he could no longer rely on that support from his allies which he had hitherto received, and, at the same time, gave a certain sanction to the pretensions of the Germanic Confederation, which up to that time had not been supported by the Courts of England and France. That was important, because the King of Denmark, seeing that he was deserted by his allies, found it necessary for him to take a decided step, and accordingly he issued, on the 30th of March, a patent, by which he gave to the States of Holstein the entire control of all the affairs of that duchy. That patent, in fact, came to this:—That Holstein was to decide, in perfect independence of Denmark, on all questions affecting the civil list, the appanage of the Royal family, the public debt, the navy and army, the customs, and the postal arrangements with foreign Powers; in fact, the patent gave the most perfect autonomy to the States of Holstein, and separated them as far as could be done from the Kingdom of Denmark. The next step was the appointment of a Committee of the Diet sitting at Frankfort. It might have been anticipated that the Diet of Frankfort would have received with satisfaction a measure giving an independent constitution to Holstein, and that they would have considered that the King of Denmark had done more than he was required, rather than less than he was called upon to do. That, however, was not the way in which the Diet of Frankfort dealt with the matter, for by a resolution of the 9th July last the Committee of the Diet gave notice to the King of Denmark calling upon him, in six weeks from that period, to annul the patent of the 30th of March; and if that was not done,

the Committee were authorized, without further reference to the Diet, to proceed at once to Federal execution—that was, authorizing the Committee to proceed to the occupation of the Danish territory by Austrian troops. Those six weeks would expire on the 18th or 20th of the next month. As soon as that time arrived, unless the King of Denmark annulled the patent, which it was obviously impossible for him to do, the Committee of the Diet were authorized to call in the Austrian troops to occupy the Duchy of Holstein. That resolution was at once resented by the Sovereign and Legislature of Denmark, and the consequence was that at that moment Denmark was strengthening all the garrisons in Holstein, calling together what were called the two years' service men, which would give the King of Denmark a vastly increased force, and the officers of the reserve and manning their forts. They had also recently entered into a contract with some eminent shipbuilders in this country for two iron-clads. They were manning them with all speed, and they had issued a proclamation that any captain in the English merchant service, by taking service with them, could have the rank of lieutenant at once. All these proceedings were menacing to the peace of Europe, and no man could say what the result might be, if Denmark should resist the occupation of Holstein by a foreign force. It was important, therefore, that the House should know what course Her Majesty's Government were prepared to pursue if the Germanic Confederation should attempt to occupy Holstein, and that occupation should be resisted by a Danish force. The Danish Government had done its best to fulfil the stipulations into which it had entered with the Governments of Prussia and Austria. It was an acknowledged principle of our foreign policy, that while the Germanic Confederation had a right to interfere in the affairs of the Duchy of Holstein, it had not the slightest right to interfere with the affairs of the Duchy of Schleswig. He was prepared to contend, that while the Germans had no ground to complain in regard to Holstein, they had no right to interfere or complain in regard to Schleswig. It was perfectly clear that the obligations of the King of Denmark to the Federal Government were not obligations, in the strict sense of the word, the breach of which was to be resented by force of arms; but were only in the nature of certain declarations on the part of the Danish

Crown which the Danish Government were called upon to fulfil in certain particular circumstances. Now, if that was the condition of the question, the German Confederation had certainly no right to interfere, because the Danish Government had given more than the German Confederation had a right to ask. The independence of the Danish Crown was most important to Europe. If the Government would say that under pretence of Federal rights the Germanic Confederation were not to interfere with the rights of the Danish Crown, and if France and Russia held similar language, the danger to which he had adverted might be obviated. If, on the other hand, Her Majesty's Government were prepared to let matters take their own course, the territory of Denmark might within a few weeks be occupied by Austrian troops, and blood might be shed. Russia would then be brought upon the scene, and it was impossible to say where matters would end. He trusted that the noble Lord would give the House some assurance that the subject would receive the serious attention of Her Majesty's Government, and that they would not allow the independence of Denmark to be menaced by the Germanic Confederation.

VISCOUNT PALMERSTON: Sir, the hon. Gentleman has made a very clear and dispassionate statement of that which is one of the most complicated subjects that almost ever engaged the attention of the statesmen of Europe. I will not enter into the long details of what is called the Schleswig-Holstein Question. It is involved in the greatest obscurity in former times. I will only say that the German advocates refer to a period as far back as 1460, quoting the transactions of that time as a reason why they should maintain a closer union between Schleswig and Holstein. All I can say is, that if the States of Germany, and more especially Prussia, choose to adopt the year 1460 as the starting point with reference to what territorial limitations are to be, they had better begin with themselves, and Prussia had better go back to what she was in 1460; and as to some of the other States of Germany, I do not think they will find that rule any more convenient to them than would be its application to Denmark. Now, I entirely concur with the hon. Gentleman, that it is an important matter of British policy to maintain the independence and integrity of the Danish monarchy. That monarchy is not a large one, but it has its rights as well

as larger States, and its geographical position renders the maintenance of its independence and integrity a matter of peculiar interest to this country. Therefore, the hon. Gentleman is entirely mistaken if he supposes that my noble Friend at the head of the Foreign Office has, in any degree whatever, altered his views as to the policy that this country ought to pursue in regard to the differences between Denmark and the Germanic Confederation. In 1861 my noble Friend, after many former ineffectual efforts, suggested to the two disputants an arrangement that appeared to him calculated to meet the views of both, as far as those views could be made consistent with the objections of both. That arrangement was not adopted, or was not found suitable; the suggestion fell to the ground, and it is now a matter of history, and not of practical application. The position that we have always held is that Holstein is unquestionably a member of the Germanic Confederation; and such being the case, that the Germanic Confederation have a right to have an opinion on the affairs of Holstein in the same degree and in the same way in which they have a right to look to the affairs of the other members of the Germanic Confederation; and that any arrangement made by the King of Denmark in regard to the Duchy of Holstein, if it were at variance with the fundamental rules and privileges of the Germanic Confederation, would be one that the King of Denmark would not be entitled to make. With regard, however, to Schleswig, we contend that the Germanic Confederation has no rights. Any question as to the Duchy of Schleswig is a matter of international law and of European concern; and the Germanic Confederation are no more entitled to prescribe what should be done with regard to Schleswig than with regard to Spain, Portugal, England, Russia, or any other independent State. But there is in Schleswig a very considerable German population, and therefore it is not unnatural — indeed, it is perfectly justifiable — that the Germanic Confederation should take an interest in the condition of the German population; and it is entitled to make representations to the King of Denmark requesting that the German population should be put on a fair and equal footing with regard to the Danish population of Schleswig. That, however, is a matter of explanation and discussion, and not a subject that would justify an

appeal to force. The hon. Gentleman more particularly touched on the question now pending between the King of Denmark and the Confederation with regard to Holstein. The last stage of the question is the only important matter to discuss—namely, the patent which the King of Denmark issued in March last for the affairs of Holstein. No doubt he imagined that in the patent he had conceded to Holstein everything that the Germanic Confederation had a right to expect. The Members of the Diet were however, of a different opinion, and a discussion is now going on between the Danish Government and the Diet on that particular question. The Danish Government are preparing an answer to the objections made by the Diet, and that reply will have to be considered by the Diet. It is quite true that there was a resolution that a Federal "execution" should take place at the end of six weeks if the King of Denmark did not within that time cancel the patent. But I remember a story of Prince Talleyrand, who, wishing the Diet of the Germanic Confederation not to do something or other that he thought disagreeable, and an inconvenience to the French Government, instructed his Minister at Frankfort to urge the Diet not to act with too much precipitation. Now, precipitation is not the characteristic fault of the German Confederation; and I am persuaded that their good sense and the soundness of their views on the peace of Europe will lead them not rashly to have recourse to a step, the consequences of which might be far different from those which are immediately contemplated. It is impossible for any man who looks at the map of Europe, and who knows the great interest which the Powers of Europe feel in the independence of the Danish monarchy, to shut his eyes to the fact that war begun about a petty quarrel concerning the institutions of Holstein would, in all probability, not end where it began, but might draw after it consequences which all the parties who began it would be exceedingly sorry to have caused. But if any one Power more than another would, upon grounds of general policy, be disinclined to set fire to the combustible elements of Europe, that one Power is, I think, Austria. The hon. Gentleman says it is an Austrian force that would be called upon to execute the Federal decree in Holstein; and I think it reasonable to conclude that Austria would not be disposed to take that step lightly and prematurely,

or until every other means of settlement had been exhausted, and unless she was convinced not only that she had right, but necessity on her side. There is no use in disguising the fact that what is at the bottom of the German design, and the desire of connecting Schleswig with Holstein, is the dream of a German fleet, and the wish to get Kiel as a German seaport. That may be a good reason why they should wish it; but it is no reason why they should violate the rights and independence of Denmark for an object which, even if accomplished, would not realize the expectation of those who aim at it. The hon. Gentleman asks what is the policy and the course of Her Majesty's Government with regard to that dispute. As I have already said, we concur entirely with him, and I am satisfied with all reasonable men in Europe, including those in France and Russia, in desiring that the independence, the integrity, and the rights of Denmark may be maintained. We are convinced—I am convinced at least—that if any violent attempt were made to overthrow those rights and interfere with that independence, those who made the attempt would find in the result, that it would not be Denmark alone with which they would have to contend. I trust, however, that these transactions will continue to be, as they have been, matters for negotiation, and not for an appeal to arms. I have no apprehension that any appeal to arms will be made at the end of six weeks—the term mentioned to the King of Denmark. His Ministers will make a reply, and that reply will have to be considered, and a rejoinder will have to be made; and I can assure the House that every effort will be made by Her Majesty's Government to induce the disputing parties to confine the question within the limits of diplomatic intercourse; and all their influence, and, no doubt, the influence of other Governments also, will be exerted to impress on the Diet a reasonable view of the matter, and to urge a settlement which may be consistent on the one hand with the rights of the Diet with regard to the internal organization of Holstein, and consistent, on the other hand, with the rights, the independence, and the integrity of the Danish monarchy. I do not myself anticipate any immediate danger, or indeed any of that remote danger which the hon. Gentleman seems to think imperils the peace of Europe arising out of the Danish and Holstein question.

Mr. COBDEN: If it be necessary to show that, according to the technical rule of the House, I am entitled to bring under the consideration of the Government the subject to which I am going to advert, I can do so by adducing the fact that sums of money voted for the Police and Customs departments are contained in the Appropriation Bill now before the House. Sir, as the remarks which I have to make will imply that those departments have not performed their duty efficiently under the present circumstances, this is not an unsuitable moment for calling their conduct in question. I hold in my hand a memorial from upwards of thirty of the most respectable shipowners of Liverpool. It is a memorial to the Secretary of State for Foreign Affairs, suggesting an alteration in the Foreign Enlistment Act. The memorialists state that they "view with dismay the probable future consequences of a state of affairs which permits a foreign belligerent to construct in and send to sea from British ports vessels of war, in contravention of the provisions of the existing law;" and they allude to "the attitude of helplessness in which Her Majesty's Government have declared their inability to detect and punish breaches of the law notoriously committed by certain of Her Majesty's subjects." Now, Sir, in reading in the blue-books the correspondence which has taken place respecting the fitting out of ships of war in England to prey upon the commerce of the United States, I have been very much struck with this feature:—The Foreign Office seem to me to assume a passive position, and treat the question as one in regard to which they are only to be called into activity when some foreign Power has shown to them that the law of nations has been violated. I find Earl Russell repeatedly telling Mr. Adams, the American Minister, that it is impossible to act until he supplies the Government with conclusive evidence as to the guilt of the suspected parties. This has led, I think, to a complete misapprehension in the public mind as to the nature of our Foreign Enlistment Act. That Act was not passed in the interest of foreigners. It was passed for our own safety and protection, and as a proof of that I will just read the preamble of the Act. Omitting some technical phrases which intervene, these are its words:— "Whereas the fitting out and equipping and arming of vessels by His Majesty's subjects may be prejudicial to and endanger the peace and welfare of this king-

dom." Now, I apprehend that when a law is passed for such an object as that, it is the duty of our Executive to see that it is not violated or evaded. In fact, I do not know of any object to which the Home Office, with all its affiliation of magistrates and policemen throughout the country, could devote its attention more worthily than the enforcing of the observance of this Act of Parliament. For what is going on? At this moment there are three vessels which are specifically known to be engaged in preying upon the commerce of a friendly Power. These vessels generally have aliases—like other bad characters, they have two or three names. There is the *Oreto*, alias the *Florida*; the *Alabama*, alias the "290;" and the *Japan*, alias the *Virginia*. Now, these three vessels, all of which were built in England, armed from England, and chiefly manned by Englishmen, are engaged at this moment in the destruction of the commerce of the United States. I believe that only one of the three has ever entered a Confederate port, and that one contrived to enter Mobile and to come out again. But two out of the three have never entered a Confederate port. They have gone from England, and commenced their depredations upon a friendly Power without ever having gone home at all. And I am told—it has been stated publicly—that one of these vessels had fifty-two out of fifty-three of its crew Englishmen, and most of them sailors from our Naval Reserve, and, of course, accustomed to the use of artillery. We know what effect these vessels produce upon the commerce of the United States. I will give it in the language of the memorialists, who are men of experience in maritime affairs. They say—

"That the experience of late events has proved to the conviction of your memorialists that the possession by a belligerent of swift steam cruisers, under no necessity, actual or conventional, to visit the possibly blockaded home ports of that belligerent, but able to obtain all requisite supplies from neutrals, will become a weapon of offence against which no preponderance of naval strength can effectually guard, and the severity of which will be felt in the ratio of the shipping and mercantile wealth of the nation against whose mercantile marine the efforts of those steam cruisers may be directed. That the effect of future war with any Power thus enabled to purchase, prepare, and refit vessels of war in neutral ports will inevitably be to transfer to neutral flags that portion of the sea-carrying trade of the world which is now enjoyed by your memorialists and by other British shipowners."

That is the opinion of upwards of thirty of the most intelligent and influential ship-

owners of Liverpool, who have affixed their signatures to the declaration. Recollect that we are under very different circumstances to what we were when privateers or ships of war were employed in former wars to capture merchant vessels. At that time the motive power of all vessels was the wind; they had no steam; but now, when still the great bulk of our commerce is carried on by sailing vessels, two or three steamers, built especially for speed, may harass, and, in fact, may render valueless the mercantile marine of a whole nation. I have heard it said, "Oh, if it were our case, we should soon catch those vessels." The self-complacency of some people is certainly unlimited. I have made some long voyages in my time. I have four times crossed the Atlantic, and sailed for 2,000 miles without seeing a strange sail. The ocean is a very wide place. You cannot follow a vessel when it has once got out to sea with any chance of catching it. You have no stations where you can hear of it, and no road by which you can follow with the chance of catching it. But recollect that those vessels have been built expressly for speed and nothing else; and if you choose to go to an American builder and say, "Build me a vessel that will be so fast as to catch anything, or to run away from everything," he will build you a vessel to go twenty knots an hour just as readily as an Englishman. No one knowing the mechanical genius of that people will doubt it. Your ships of war are not only built for speed but for armament and capacity, and merchant vessels are necessarily built to carry freight. Therefore, if you have two or three very swift vessels, they are sufficient to destroy the value of the whole mercantile marine of one of the first naval Powers of Europe. This is a question which affects our vital interests, in case we should ever be at war, and the United States at peace. But it may be said, you have not the power, by your laws, to prevent the construction in British ports of those ships. I must confess that I think, if public opinion fairly supported the Government, the law as it now stands would be sufficient. But if the law as it now stands be not sufficient, these memorialists "respectfully urge the expediency of proposing to Parliament to sanction the introduction of such amendments into the Foreign Enlistment Act as may have the effect of giving greater power to the Executive to prevent the construction in British ports of ships des-

igned for the use of belligerents." We may be told it is too late to propose any alteration in the law this Session, but I would remind the House that the insertion of one word in our Foreign Enlistment Act would be sufficient to make it effective. The great controversy in the law courts is, as to whether the word "building" can be said to be implied by the words "fitting out, furnishing, or equipping." You have only to add the word "building" to the words "fitting out, furnishing, equipping, and arming," and every one must admit that you would cover the whole ground, and be enabled to prevent a vessel leaving any of our ports in a partially finished state. But the point to which I wish particularly to draw attention is one of a more serious nature. What has been done cannot be recalled. But there are two vessels now completing in this country, iron vessels heavily armoured for war purposes; and Mr. Adams, the American Minister, has declared to the Government his belief that those vessels are intended for the Confederate Government. They are being built in Liverpool by a house that I believe has previously been engaged in building vessels for the Confederate Government, and I presume that the remonstrance which has been sent to the Government by the American Minister contains some proof, at least sufficient to furnish a ground of suspicion, that those vessels are intended for the Confederate Government. Now, sir, I do not think it is very difficult to find out for what Government any vessel which is being built in this country is intended, if it be intended for a Government which can legitimately come to this country to buy a vessel. I know where a vessel is being built for the Danish Government; we knew where the Chinese Government were getting their vessels; and we know precisely where a vessel is being built for any other legitimate Government. But here are two vessels, which, I am told, are being built for the Confederate Government. Now, I am bound to say—for I think the public are entitled to know what is passing in the minds of public men with regard to future events—from all I see of the state of public opinion in America through the press, and from what one hears around him, that I believe if these two iron-clad vessels go out and commence a war upon the United States, it will lead to a war with this country. These vessels are calculated probably to match any vessel that

we have, or any vessels the Americans have; and if they go out, I am very much afraid it will have the effect of leading to a rupture with this country; and I base my supposition upon the fact that by what we have already done we have rendered the mercantile marine of America practically valueless. What is said here in this memorial of what would happen to us if two or three steamers were let loose on our commerce has already happened to the American mercantile marine. The rate of insurance has been raised so high in America that they can no longer compete with England and other maritime States; and the effect has been to render the great property, probably 20,000,000 sterling, of the shipowners of America practically, for all present purposes, valueless. They have been selling their ships extensively in this country. Let us consider the effect which this must have upon the minds of American shipowners and merchants in New York, Boston, and other places. Let us suppose their case our own—that our shipping had been driven from the ocean by privateers built in New York—if we would understand what must be their feelings towards England, which has rendered their property valueless? The shipowners and merchants of America comprised that portion of the community which had always constituted the bond of peace between this country and America. The shipowners of Boston hung their flags half-mast high in 1812, when war was declared with this country; but you have now placed them in such a position with reference to the value of their property that actually they are enlisted on the side of war with England, because if there were a war with this country, then their cruisers would, by preying upon our commerce, raise the rate of insurance on British bottoms to a level with their own, and they would stand on the same footing as ourselves with respect to the world at large. You have removed from the scale of peace and placed in the scale of war that part of the community of America which has always been the great safeguard of peace between the two countries. The question is whether Her Majesty's Government, during the recess, cannot take those precautions which are necessary in order to prevent these vessels leaving our ports for the service of the Confederate Government. The public are not aware of the consequences that are now happening from what has already been done. It is not generally known, that in

respect of every vessel captured by the three privateers I have mentioned, the American Government takes a deposition on oath as to the value of that property, and sends in a claim for indemnity to our Government. Recollect that every vessel captured by the *Oreto*, the *Alabama*, and the *Virginia* is debited to the account of England, and that the American Minister has made a formal claim upon this country for indemnity for these captures. Our Government has constantly refused to acknowledge the claim, but that is the serious part of the whole question. Here is a claim by a foreign Government, which must be met in some way or other. It is out of disputed claims such as these that frequently arise those collisions which take place between one country and another. Is this a state of things that ought to have been brought upon the whole community by the acts of individuals—by three or four firms in England doing that which is known to be an evasion of the spirit of the law? Is it, I ask, desirable that the whole interest of this great community should be put in future jeopardy in consequence of these proceedings? I say, on the contrary, it is the interest of every one in this country, of every loyal subject of the realm, to be himself a detective with a view to prevent such transactions as these, to frown them down when he sees they are going on; and if you cannot find in the public opinion of this country sufficient patriotism and loyalty to do that, the consequences that I have spoken of must fall upon the country. On a former occasion the hon. Gentleman the Member for Birkenhead, who spoke exultingly, as I thought, of the part his firm had taken in these transactions, tried to mix up two questions which are totally distinct. The hon. Gentleman spoke of the exportation of munitions of war and arms. Now there is, as I have stated before in this House, no law in this country to prevent the exportation of munitions of war, and there never has been, and the American Government has never asked us to provide a law for that purpose. It is not difficult to show the difference between munitions of war and ships of war. Munitions of war are a constant article of commerce, and the great element of all armaments, gunpowder, is used for civil as well as for military purposes. It is largely consumed for blasting, for mining, and other purposes; and therefore to attempt to put a prohibition upon the export of arms and munition—to prohibit all trade

in arms and munition—would be an injustice to a very large and regular industry. But what your law does undertake to do is this—to prevent the supplying of ships of war and men to engage in a foreign war with a friendly Power, and it is done in your own interest to prevent your being involved in their disputes. The hon. Member for Birkenhead made use of another argument, he stated that the American Government had applied to him to build ships of war, and that he refused to violate the law. But it would be no excuse for violating the law in one direction to say that he had refused to violate it in another. If the Federal Government applied to the hon. Gentleman to build ships of war, he did quite right in refusing them; but if by building ships of war for the Confederates he violated the law, it was no excuse to say that he had refused in the other case to violate it. But I have a contradiction of his statement which I wish to read to the hon. Member—

MR. SPEAKER: This is not an occasion to reply to a speech made some time ago, and certainly not to read observations on anything that took place during a debate in this House.

MR. COBDEN: It is a copy of a letter from the Secretary of the Navy at Washington to my friend Mr. Charles Sumner, which, with the permission of the House, I will read.

MR. SPEAKER: The hon. Member may make any statement he thinks proper, but to read a letter commenting on a speech made in this House is entirely out of order.

MR. COBDEN: Then I must confine myself to a statement of the contents of the letter. I have given the hon. Member notice that I would call attention to it. It is a letter that contradicts very emphatically the statement of the hon. Gentleman. The writer states, that under no circumstances, nor at any time, has any order been sent from the American Navy Department to any shipbuilder in this country. I do not consider that it has much bearing upon the question before us, but it is interesting as an important matter of fact. With regard to the main question at issue, I say it is wholly a matter of public opinion in this country. If it be not felt by the people at large as it is felt by those influential shipowners in Liverpool, that we have a vital stake in preventing the violation of the neutrality code, those proceedings will go on. But I appre-

hend we are bound by motives of self-interest, and by the desire to exhibit a feeling of fair reciprocity towards the American people, to put down those illegal proceedings. I alluded before to the course of conduct adopted by the American people in relation to those neutrality laws. I stated in this House that I would challenge any one to show that we ever made any complaint to America with reference to those laws that was not redressed. I challenged any person to prove that there had been on this point any unsatisfactory treatment of this country by America; but why has this been so? Because the public opinion of America has been in favour of maintaining this neutrality code. An appeal was made to the American Government in 1855, during the Crimean war, to maintain it. There was supposed to be a vessel of war building in New York called the *Maury*, and our Consul at New York obtained permission from the Government of the United States to have the vessel arrested. She was found to be an innocent vessel, and was released at the instance of our own Consul. The Chamber of Commerce in New York met, and passed the following Resolution:—

“Resolved,—That the merchants of New York, as part of the body of merchants of the United States, will uphold the Government in the full maintenance of the neutrality laws of this country; and we acknowledge, and adopt, and always have regarded, the acts of the United States for preserving its neutrality as binding in honour and conscience as well as in law; and that we denounce those who violate them as disturbers of the peace of the world, to be held in universal abhorrence.”

I should like to see our chambers of commerce putting forward a similar declaration, that the Acts for preserving our neutrality “are binding in honour and conscience as well as in law, and that we denounce those who violate them as disturbers of the peace of the world, to be held in universal abhorrence.” If such a sentiment be not entertained by the country, the Act of Parliament becomes a dead letter, for it will not have the support of public opinion. I said that our Foreign Enlistment Act is a municipal law passed for our own preservation, but there is another view of the question most important to statesman and diplomatists. It is this—that the municipal law is an inherent part of the international code of civilized nations. It is the way in which we fulfil by Act of Parliament the duty we owe to foreign countries who adopt the same legis-



lation in regard to us. It is on this ground that the American Government have raised the question of indemnity for captures, about which I do not mean now to offer any opinion. If our Government refuse to pay, it is because they believe they have a right to refuse to pay, but there is this view of the question to be taken into consideration:—The Americans claim the indemnity on international grounds, and not merely because we have violated our own municipal law. They say, "We paid you money for captures made by cruisers that left our ports so long back as 1794, when we had no municipal law at all, on the ground of international law, and we now claim from you the observance of this code on international grounds." It is a very serious element, when diplomatically considered that we made ourselves parties to the international code by repeatedly applying to the American Government to enforce their law, and pass a new law for the protection of our interests. In 1838 we asked them to amend their law to protect us in Canada, and the Americans passed an amended law instantly. During the Crimean war we asked them to exercise a fair neutrality towards us, and they did so. Now, we are in the position of neutrals, and they are in the position of belligerents, and can we now proclaim that we are exempt from the obligations of acting towards them as they acted towards us? If we are bound by the obligations of international law, it is no answer to say we cannot compel our subjects to obey our own municipal law. Standing on the ground of international law, the American Government may say, "We hold your nation as a unit responsible to us, and it is for you to look to your own subjects and see that they obey your municipal law." With regard to the future, those gentlemen who, for their own small gains, are building those ships of war for foreign Powers are placing us in an embarrassing and very dangerous position. I think there is a fair claim upon the Government to exercise its utmost vigilance to prevent those armed vessels from leaving our shores. I perceive a fallacy which runs through Lord Russell's despatches, and the Solicitor General's speeches. They constantly confound two very different things—namely, the evidence necessary to detain a vessel, and the evidence necessary to convict a vessel. The consequence is, that we refuse to interfere until Mr. Adams has brought forward conclusive evidence on oath that is sufficient to convict. Why

do we maintain the costly machinery of our superior courts, if there be no further proofs left to elucidate? We do not act so in other cases. We do not require all the evidence that is necessary to convict when we arrest a person and bring him before a magistrate. He is brought before the magistrate and committed for trial. When he is before the grand jury, it is only on *ex parte* evidence he is tried. I say the Government will incur an immense responsibility if they allow those iron-clad vessels to leave these shores as the *Alabama* left. The departure of that privateer might have been prevented. That vessel, according to Lord Russell's despatch, left the port of Liverpool without a clearance, clandestinely. She left it on pretence of taking out a pleasure party of ladies and gentlemen, and did not return. It was an unworthy action for any person to be a party to—it was an unpatriotic act; but the Government might have prevented that. They had grounds for suspicion, and might have said to the collector of the port, "Before this vessel leaves or has her clearance we must be satisfied on these points;" and to prevent her leaving without a clearance, they might have put custom-house officers on board. I maintain that you have power to do that under your Customs Consolidation Act, and I hope that those other vessels will not be allowed to escape as the *Alabama* did. The consequences are too serious for the Government to remain passive. The machinery of the Home Office ought to be put in operation to trace the guilty, if there be guilt in the matter. I trust the Government will not meet us next Session without finding that the law as it stands is sufficient to carry out the intentions of the Foreign Enlistment Act, or, if not, that they will come to the House to propose an alteration of the law. The addition of one clause to the Customs Consolidation Act would meet the whole case. By that clause it should be provided that before any vessel of war shall leave any port of England for any foreign country, the builder or owner of such vessel shall be required to state to the collector of customs for that port for what foreign Government she is intended. That simple clause added to the Customs Consolidation Act would meet the whole case. You would then know the foreign Government for which the vessel was intended, and could ascertain from the Minister of that Government if they had ordered such a



vessel. Recollect that a ship of war differs from articles of merchandise. A ship of war can only be legitimately used by a Government. It cannot be legitimately used by an individual. In the hands of an individual it would be a pirate vessel, because an individual has no flag. As the destination of a ship of war so leaving this country must be legitimately the port of some foreign Sovereign, it is no hardship to the shipbuilder to state to the authorities the foreign Government for which she is intended. The interests at stake are too vital on a question of this kind to allow us to be deterred by petty obstacles on the part of individuals. Let them be licensed to build ships of war, and let them declare for what Government each ship is built. If the ship be built for an individual, let that individual declare for what foreign Government she is intended. Let not the dimensions of the civil war in America be extended by involving ourselves in it. By intervention you may widen the dimensions of that civil war, but all history proves that no benefit to the cause of peace can arise from an interference in the domestic quarrel of a great and spirited nation. I am surprised to hear persons taunting us in this House with being opposed to peace in America because we are against intervention. The same argument was used in 1793 with relation to France, and that argument prevailed. Foreigners interfered to put down the Reign of Terror in that country. What was the consequence? They extended the Reign of Terror over the whole Continent, and Europe was deluged with blood for twenty years. Interference could now only produce similar consequences in America. I do not pretend to say what the result of the war will be. I have travelled twice over the American continent, and have given very close attention to all that has passed there during the last thirty years. Assuming for myself no superiority, but claiming only the ordinary powers of observation, probably no Member of the House has had a better opportunity than I have of judging of the state of affairs at the present moment in America and of the power of the respective belligerents. And I say I do not expect to live to see, and I never have expected to see, two independent nations within the area of the old United States. I do not ask any one to agree in opinion with me; but I am afraid that a good deal has been said, and that even a little has been done, in this country on a contrary assumption.

Mr. Cobden

Whatever may be the issue of this dreadful war, let us keep clear of it. Prevent those British-built cruisers and ships of war from interfering in a way that will injure the great material interests of America, and my voice will be mute in the quarrel. I desire nothing more than that we should in this House be silent—silent and sorrowful, until this terrible struggle is brought to a close.

Mr. LAIRD said, he was prepared, if necessary, to prove that every word he had said in a former debate was perfectly true; and as the question was one which affected Her Majesty's Government, he was ready to put his proofs in the hands of the noble Lord at the head of the Government. The hon. Gentleman stated that the *Alabama* went out with a picnic party, but he had ascertained that she went out of dock at night, that she anchored in the river until eleven or twelve o'clock next day, and that she was seen from the shore by thousands of persons. [Mr. COBDEN: I quoted from Earl Russell's despatches.] He was not responsible for those despatches. [Mr. COBDEN: She had no clearance.] It was not necessary to take a clearance. The owner might either clear her or take a register. The course pursued was to hand the builder's certificate to the owner, and then he might do what he liked with her. A great deal of blame had been cast upon the English Government, but what had been the orders given by the American Government to the *Tuscarora*? She was running about the country after the *Alabama*, but orders were given to her not to touch the *Alabama* in the Channel. Mr. Adams, in a letter to Mr. Seward, dated August 7, 1862, said—

"On the same day I received by mail a note from Captain Craven, dated the 31st, announcing the receipt of my despatches and his decision to go to Point Lynas at noon, on the 1st instant. Captain Craven seems to have sailed up St. George's Channel. This last movement must have been made in forgetfulness of my caution about British jurisdiction, for, even had he found No. 290 in that region, I had in previous conversations with him explained the reason why I should not consider it good policy to attempt her capture near the coast. In point of fact, this proceeding put an end to every chance of his success."

The hon. Member stated that the Foreign Enlistment Act was infringed because the *Alabama* had never been in a Confederate port, but that was not necessary so long as she carried the Confederate commission. If we were at war with America, and the Admiral on the North American station

captured vessels that were likely to be useful, did the hon. Gentleman suppose that he would be obliged to send them into Portsmouth harbour and wait for their return? No, the moment a vessel received a commission from a belligerent Government she became a recognised vessel of war, and must be so regarded by every nation in the world. A proof that the American Government admitted the lawfulness of the captures made by the *Alabama* was, that the American Courts had recognised the bonds given by the officers of the ships seized and liberated by the *Alabama*. They thus recognised the whole proceeding under which she became a Confederate vessel and received a Confederate commission, and they could not back out of it. The memorial presented by the hon. Gentleman was signed by thirty of the shipowners of Liverpool. They were very respectable persons, but they were too small a number to claim to represent the shipowners of Liverpool. Many of those who had signed it had, he was told, done so with the understanding that other nations were to do the same. It had been proposed to make the law more stringent, and that any one undertaking an order for building a ship should prove for whom she was intended. But there was this difference between ships and cannon, that ships might be used for peaceful purposes, while cannon and muskets could only be turned to one use. The Northern States got all they wanted from this country. They imported largely our arms and ammunition, and at the same time they wished to stop a legitimate branch of industry. As a proof how easily vessels built for purposes of commerce might be converted into vessels of war, he might mention that in 1859 he thought it desirable to strengthen the local defences of each port by adapting the ferry-boats and tug-boats to purposes of defence. He laid a proposition before the Admiralty, and also before Lord Herbert, by whom it was warmly taken up, offering to adapt forty or fifty of these vessels at an expense of from £250 to £300 each to the purposes of defence. The Admiralty sent down a talented officer of the navy, who made a survey, and reported that for £290 or £300 each these vessels might be made to carry, some 32's and others 68-pounders, then the most efficient gun in the service. He (Mr. Laird) would, indeed, take any ship and at a small cost adapt her to carry

some of the largest guns of the service. While the hon. Gentleman (Mr. Cobden) was turning his attention to the breach of the Foreign Enlistment Act, he could have wished that he had made inquiries into the enlistment of men for the Federal army that was now going on in Ireland. If he would advise with the American Minister on that point, he might do a great deal of good to the people of Ireland. The hon. Gentleman, however, persisted in seeing only one side of the question. The Chief Baron had given a strong opinion that the law was on the side of those who had built the *Alexandra*. The hon. Member had vouched for the readiness of the Americans to abstain from infringing the law in that respect. He wished, however, to relate to the House what took place in regard to the *America*, a vessel which was built, manned, armed, and equipped in the United States, and which was taken out by Captain Hudson to Petropaulovski for the Russian Government. Captain Hudson—

“expressed his deep chagrin at the unexpected termination of the war, as the *America* was only one of a fleet that were preparing and equipping for the same Government and purpose, and added that in the event of another year's war they would have swept the Pacific of the English vessels.”

In confirmation of that statement, he would read a memorandum made by an officer on board the *Savannah*—

“The *America* came into Rio de Janeiro on her way round from New York to Petropaulovski. When she was in Rio, the captains of the English and French men-of-war lying there wanted to overhaul her, but the Brazilian Government would not permit it. They then determined to overhaul her after she left the harbour. Commander Salter, who was commander of the United States squadron at Rio in the frigate *Savannah*, in order to protect the *America*, ordered her to take the *Savannah* in tow, which effectually prevented the English and French searching the *America*. One of the crew of the *America* gave the British Consul at Rio information of the *America* having her guns in her hold ready to mount. The *America* was commanded by Captain Hudson, an ex-lieutenant in the United States Navy.”

Lastly, an officer of the British navy stated in a letter—

“The *America* laid in the Pei-ho river for some weeks during the months of April and May 1858. She had the flag of Count Putiatine flying at the signing of the Treaty of Tien-tsin, May 1858, and was well known to every naval officer present as having been built in America for the Russians. She had an American eagle on her stern.”

So far from the American Government keeping faith with that of Great Britain

during the war with Russia, they allowed the *America* to get away, and gave orders to the American Admiral to protect her against the search of the English and French officers.

LORD JOHN MANNERS said, he wished to ask a Question relative to the exclusion of Turkey from the Conferences which were to be held for the cession of the Ionian Islands. It had been stated that Turkey had no right to claim admission to these Conferences, because she was not one of the parties to the Treaty of Vienna. By a further Act, however, dated April 1819, Turkey did adhere to the provisions of that treaty, and therefore stood on the same footing as the other Powers who were signatories to the treaty. She had therefore an absolute right to be consulted on the cession. It had been said that the Act of 1819 had no reference to the arrangement for the cession of these islands; but in the French despatches it was called the accession of the Ottoman Porte to the treaty of Paris, and it was so regarded by the English Foreign Office. The effect of the Act of 1819 was, that Turkey recognised the Ionians as the protected subjects of Great Britain; and the practical result of the acknowledgment was, that the people of the Ionian Islands became possessed of the rights of British subjects in the Turkish dominions. He contended that it was indisputable that Turkey had a right to be summoned and to attend any Conference to determine the future status of the Ionian Islands. No Power in Europe was in fact so directly interested in the question of the Ionian Islands as Turkey, and that consideration was no doubt present to the minds of those who signed the Treaty of Paris. It was an obvious necessity, that if the balance of power were to be maintained, the Ionian Islands ought not to be handed over to a Power whose hostility to Turkey was well known. He therefore protested, in the name of treaties, of justice, and in the interest of the future peace of Europe, against the proposed exclusion of Turkey from these Conferences. The proposed cession of these islands to Greece was in his opinion one of the most impolitic, most uncalled for, and most prejudicial acts that could be committed by the Government of this country. He trusted that the people of the Ionian Islands, when they were called upon to vote, would not imagine that they were deserted in their hour of need; and that their vote would not be given un-

*Mr. Laird*

der the impression that there was not a large body of public men in this country who believed that the maintenance of the connection between Great Britain and the Ionian Islands was beneficial to both countries. Perhaps the noble Lord would state to the House whether Turkey had made any demand to be admitted to the proposed Conference?

MR. CAVENDISH BENTINCK said, he wished to know whether the Government intended to take the opinion of the Conference before the Ionian Parliament assembled?

THE CHANCELLOR OF THE EXCHEQUER said, it appeared to him that it was a convenient moment, when the Appropriation Bill was passing through the House, to state the corrections which had been finally made in the figures representing the Estimates for the year. He had stated that on the 15th of April last he gave the estimated revenue for the year at £68,280,000, and the estimated expenditure at £67,749,000. The surplus therefore stood at £531,000. That was according to the proposals of the Government, and assuming that every proposal was accepted. In the course of the proceedings of the year, however, an amount of revenue, estimated at £109,000, which was asked for by the Government, was not granted by the House. The principal part of that amount proceeded from the proposed extension of the income tax to charities, and the loss of revenue from the non-acceptance of that proposal was £75,000. The balance was made up by certain minor proposals which were not acceded to. That original estimate of £68,280,000 was therefore reduced to the sum of £68,171,000. On the other side, the actual votes of the House were less by £44,000 than was estimated, so that the original estimate of expenditure, instead of being £67,749,000, was reduced to £67,705,000; and comparing the two sums together, the surplus for the year stood not at £531,000, but at £466,000. Perhaps if he were, from the experience of the preceding four months, to make an estimate of the revenue of the year at that time, it would be somewhat more favourable than that which he made in April. The prospects of the revenue were at present satisfactory.

MR. F. S. POWELL said, he wished to express a hope that next year a greater compensation would be awarded to the talented gentlemen who were engaged in

making the geological survey than they had received hitherto.

Bill read 3°.

On Question, "That the Bill do pass."

VISCOUNT PALMERSTON: Sir, I have listened with great attention to the speech of my hon. Friend the Member for Rochdale; but it appears to me that he and Her Majesty's Government, and I think the country at large, start in the consideration of the matter to which he has directed the attention of the House from different points of departure. We look upon the two parties who are now in arms against each other in America as each of them belligerents, and therefore alike entitled, as far as our neutral position is concerned, to all the privileges and rights which appertain to belligerents. Now, it seems to me that that which is running in the head of the hon. Gentleman, and which guides and directs the whole of his reasoning, is the feeling, although perhaps disguised to himself, that the Union is still in legal existence—that there are not in America two belligerent parties, but a legitimate Government and a rebellion against that Government. Now, that places the two parties in a very different position from that in which it is our duty to consider them. Now, what is the duty of a neutral in regard to two belligerents, and what are the rights of neutrals? The American Government have laid down the position for themselves, because they have declared that a neutral is at liberty to furnish a belligerent with anything that the belligerent may choose to buy—whether it be ships, arms, ammunition, or anything else. No restriction is imposed on a neutral in furnishing a belligerent even with those things which are material ingredients in the conduct of military operations. Therefore, on no international law has the Federal Government any right whatever to complain of this or any other country that may supply a party in arms against the Federals with anything they may choose to buy. I cannot, in the abstract, concur with my hon. Friend in thinking that there is any distinction in principle between muskets, gunpowder, bullets, and cannon on the one side, and ships on the other. Those are things by which war is carried on, and you are equally assisting belligerents by supplying them with muskets, cannon, and ammunition, as you are by furnishing them with ships that are to operate in the war. What has been the

practice of the United States Government themselves? The hon. Member for Birkenhead (Mr. Laird) has alluded to the case of a ship built in the United States when we were at war with Russia. We complained, and the ship was examined and declared by the local authorities to be free from any ground for molestation. Nevertheless, there was the best reason for believing that the ship was destined for the Russian Government and for naval operations in the Eastern seas, where the Russian Government most wanted such assistance. We had reason to believe that other ships were then building in America for the same purpose, and would have been used if the war had continued. Therefore I hold, that on the mere ground of international law belligerents have no right to complain, if merchants—I do not say the Government, for that would be interference—as a mercantile transaction, supply one of the belligerents, not only with arms and cannon, but also with ships destined for warlike purposes. But then in our case there comes in, no doubt, the municipal law. The American Government have a distinct right to expect that a neutral will enforce its municipal law if it be in their favour. Then comes the question whether the Government have done that which the Government is enabled to do, and ought to do; and I contend that we have. My hon. friend says that we ought to have prevented ships from being built which were evidently destined for war. But it was very well said by the hon. Member for Birkenhead that you cannot draw a distinction between ships that may evidently be built for warlike purposes, and those that may be eventually applied to warlike purposes. He has mentioned—what everybody knows—that when we had to consider our means of naval defence we found a great number of mercantile steamers in our ports, which might, in a short time and at a small expense, be converted into ships of war and made available for the defence of the country. Take what has happened. One of the ships employed in the service of the Confederates to prey on the commerce of the Federals was the *Nashville*. Now, what was the *Nashville*? Suppose she had been built in this country, what possibility had we under the Foreign Enlistment Act of preventing her from leaving this country? I went on board the *Nashville* in Southampton Docks. She was a steamer very much like those that go up and down the Thames, with a glass room built on deck,

and furnished below with berths for passengers. But they put guns on board, and being able to steam with great rapidity, the *Nashville* could easily capture and destroy any merchantman. In the same way a ship might be built in this country capable of being converted into a ship of war; but with respect to which, while building, it would be perfectly impossible to prove by any legal construction that she was intended for a ship of war, and therefore liable to be interfered with. My hon. Friend complained that the Government have not exercised the vigilance incumbent on them in such a matter, and that they have relied entirely on receiving information from the Minister of the United States. But that is not the fact. The Home Office have employed all the means that could, with propriety, be used, and in some cases complaints have been made that they have employed more stringent means than they ought to do. We are not in the habit in this country of employing that system of spies which is resorted to in other countries; still, the Government have thought it their duty to employ persons openly and legitimately to obtain information. With regard to the *Alabama*, an explanation has been given by the hon. Member for Birkenhead. With regard to the *Alexandra*, the attention of the Government having been called to the construction of the vessel, steps were taken to stop and seize her. The trial came off; and the judgment of the court was against the Government, the court deciding that under the Foreign Enlistment Act the Government had no right to stop her. Exceptions have been put in to that ruling, but the question cannot be decided until next November. I really think there is no ground on which either hon. Gentlemen or the Federal Government can found any complaint that Her Majesty's Government have not done all that the municipal law entitles them to do in regard to the fitting-out of ships in this country. There is a further difficulty. I will suppose a ship built of such a character that we might safely say it was built for warlike purposes. Then you must prove whom she is intended for. The hon. Gentleman assumes that parties may be in combination to evade the law; but in that case nothing can be easier than to show that a ship is not intended for the particular State for which she is supposed to be built. The hon. Gentleman suggests that we ought to amend the Foreign Enlistment Act, and add the word

*Viscount Palmerston*

"building," as well as "armed and equipped." But that goes beyond the question of ships of war. You put an end to a branch of trade—the building of ships of commerce for foreign States. You would thus go beyond what even the hon. Gentleman contemplates. I say nothing about the question of altering your law to suit the convenience of any foreign Government at any particular moment. We undertook a change in the law some years ago—not in deference to any demand from a foreign Government, but because we thought, as gentlemen and men of honour, the Government and Parliament of this country were bound to do what we proposed—to protect an allied Sovereign from the personal danger to which he was exposed from conspirators in this country. We did it spontaneously, but not successfully. But no such principle applies to this case, for to pursue the course the hon. Gentleman recommends would be fettering our own legitimate industry and commerce, and I do not think the House would agree to such a change. I quite agree that we ought to endeavour to enforce our law as far as we can, and that whenever we learn that there are ships being built presumably for a belligerent, between which and other belligerents we profess to be neutral, we ought to enforce our law as far as courts of justice enable us. That will be the course pursued by the Government. As regards one of the iron-clads to which my hon. Friend has referred, I am informed that the French Consul claims it. [Mr. COBDEN dissented.] How that is I cannot say.

With regard to the question of the noble Lord (Lord John Manners) as to the Treaty of 1819, I cannot concur with him. He considers that the treaty of accession to the treaty by which the Ionian Islands were placed under the protection of England gives Turkey a right to be represented at the Conferences. I can assure him that it is not so. The accession of Turkey to the Treaty of 1815 was invited and refused. The Sultan had a paramount disinclination to mix himself up with any European treaty transactions. He declined to accede to the treaty when it had been signed, and this Treaty of 1819 was not an accession treaty to that of 1815. [Lord JOHN MANNERS: It was called so.] I do not care for the title; but if the noble Lord looks to the stipulations, he will see that this treaty is not a transaction by which the Ionian Islands are placed as a

separate State under the protection of Great Britain. It is not an instrument in any degree on which the foundation of the Protectorate is established; it is simply an acknowledgment on the part of the Sultan of a pre-existent fact, which derived its existence from another treaty to which he was not a contracting party. The Treaty of 1819 recited, that whereas Great Britain, out of regard for Turkey, had given up Parga and other places; and whereas Great Britain asked Turkey to acknowledge the existing Protectorate of the Ionian Islands, and give the people of those islands all the privileges of British subjects in Turkey, the Sultan, in acknowledgment of the manner in which we gave up Parga, &c., acquiesced in the demand of Great Britain, and not only acknowledged that the Ionian Islands were under the protection of Great Britain, but, as a consequence, promised to give the Ionian people all the benefits they derived as British subjects in Turkey.

MR. CAVENDISH BENTINCK repeated the question which the noble Viscount had omitted to answer.

VISCOUNT PALMERSTON: There will be a treaty signed between the Powers which signed the Treaty of Vienna, recording the consent of those Powers, before the people of the Ionian Islands will be called upon to give a vote.

MR. SEYMOUR FITZGERALD said, that the Treaty of Vienna was signed by Powers who were not parties to the original Treaty of Paris, and yet they were asked to join the Conference. Then why not Turkey?

MR. DARBY GRIFFITH had heard with great satisfaction the declaration of the noble Lord with regard to Schleswig and Holstein. There could be no doubt that the motive of the Germanic Confederation was to obtain the harbour of Kiel. They had the use of it for all commercial purposes; but they required it for other purposes. He was glad that the noble Lord had broken through the web of diplomacy. He (Mr. Darby Griffith) did not view the cession of the Ionian Islands with the same satisfaction, as the House of Commons had been excluded from all participation in the transaction. No doubt the House of Commons would have supported the noble Lord; but such an important step as the cession of these islands ought not to be taken on the mere fiat of a Minister.

LORD JOHN MANNERS wished to

know whether Turkey had made a demand to be admitted to the Conferences; and, if so, whether the noble Lord would have any objection to lay the despatch on the table.

VISCOUNT PALMERSTON said, he did not think that Turkey had made any distinct application. Her Majesty's Government knew that Turkey did not approve the cession of the Ionian Islands to Greece. There were, however, no papers ready at present on the cession of the Ionian Islands.

Bill passed.

#### AUGMENTATION OF BENEFICES

BILL (*Lords*).

[BILL 134.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. AYRTON moved the following Clause:—

(No conveyance of any advowson shall be made to any purchaser under this Act until it shall be proved to the satisfaction of the Lord Chancellor, for the time being, that a deed has been executed by all proper parties for the purpose of vesting the right of presentation in perpetuity of the advowson to be conveyed in some one or more persons, not exceeding four, being owners or occupiers of land in the parish to which such advowson relates, and being members of the Church of England and Ireland; and such deed shall be valid and effectual to vest such right of presentation in perpetuity irrevocably in such owners or occupiers for the time being.)

Clause brought up, and read 1<sup>o</sup>.

Motion made, and Question put, "That the said Clause be now read a second time."

The Committee divided:—Ayes 18; Noes 47: Majority 29.

MR. MORRISON said, that the sale of presentations was one of the worst features of the Church of England. As, however, it was part of the law of the land, he did not wish to interfere with it by a side wind. He trusted, however, that the Committee was not prepared to increase the evil, and in that hope he had prepared a clause, the only argument against which might be, that it would restrict the sale of advowsons too much. The sale of next presentations was, however, such a scandal to the Church that it was better the Lord Chancellor should get seven instead of eight years' purchase rather than the system should go on. He would therefore move the following clause:—

"It shall not be lawful for the purchaser or grantee of any advowson under this Act, his heirs, successors, or assigns, to sell, assign, or otherwise



dispose of for any valuable consideration whatsoever, the next or any subsequent turn or turns of presentation of such advowson apart and separately from the residue of such advowson, but every presentation, collation, admission, institution, or induction thereupon shall be void; and the right of patronage shall thereupon, for that turn, lapse to the Lord Chancellor for the time being."

Clause brought up, and read 1<sup>o</sup>.

THE SOLICITOR GENERAL said, he trusted that the Committee would not, by accepting the clause, create a new and anomalous class of livings. He should oppose the clause.

MR. HENLEY said, he thought the hon. Gentleman was straining at a gnat and swallowing a camel. He did not object to give the Lord Chancellor power to sell the presentation for ever, yet he said it was wrong for him to sell it once. He could not support the Amendment, because it was unadvisable to create anomalies in that class of Church livings.

MR. MORRISON said, that landed gentlemen, who would not alienate an advowson from the family, would, nevertheless, sometimes sell the next presentation.

Motion made, and Question put, "That the said Clause be now read a second time."

The Committee divided: — Ayes 23; Noes 45; Majority 22.

House resumed.

Bill reported, with Amendments; as amended, to be considered *this day*.

#### SUPERANNUATIONS (UNION OFFICERS) BILL.—COMMITTEE.

Order for Committee read.

MR. HENLEY said, he would express a hope that the Bill would be allowed to stand over until next Session.

MR. VILLIERS said, that at that late period he could scarcely hope to pass the Bill that year, and he would therefore withdraw it.

Order discharged: — Bill withdrawn.

#### SCOTCH HERRINGS FOR AUSTRIA.

##### QUESTION.

MR. GRANT DUFF said, he wished to ask the Under Secretary of State for Foreign Affairs, What progress has been made in the negotiations with the Austrian Government relative to the introduction of Scotch herrings into Austria at a lower duty than that which is now levied?

MR. LAYARD said, in reply, that the

*Mr. Morrison*

subject, which was one of great interest in Scotland, had not escaped the attention of the Government. The various memorials on the subject addressed to the Foreign Office had been sent to Vienna, and the British Ambassador there had been instructed to press the matter on the attention of the Austrian Government. Before long he hoped to be able to give the hon. Gentleman a satisfactory answer.

#### COUNTY COURTS.—QUESTION.

MR. AUGUSTUS SMITH said, he would beg to ask the Secretary to the Treasury, Under what regulations Grants are made from the Consolidated Fund in aid of the erection of Buildings, of which the use is obtained for holding the County Courts; and what precautions are taken by the Treasury to secure such Buildings, on which the Public Money is so expended, being in all respects suitable for the purposes intended?

MR. PEEL said, in reply, that no regulations existed under which grants of public money were made for the buildings of the kind referred to; but the best bargain that could be made was entered into for their erection, with the condition that the buildings should be completed according to plans approved beforehand.

#### THE CROWN SOLICITOR IN BANKRUPTCY.—QUESTIONS.

MR. COX said, he would beg to put the following questions to Mr. Solicitor General:—Whether in the amounts he stated on Thursday last as the remuneration received by the Crown Solicitor in the Court of Bankruptcy, he included the sums received by such Solicitor from Bankrupts for the Fees payable on adjourned meetings; and whether such amounts included the sums received by such Solicitor under the second clause of the General Orders of the 22nd day of February 1862? When an Order in Bankruptcy by the Lord Chancellor, reducing the Fee payable to Mr. W. W. Aldridge under the Order of the 22nd of February 1862 from £3 to £2 was made; and whether such Order has been laid upon the table of the House pursuant to the Act 24 & 25 Vict., c. 134? Under what Clause of the Bankruptcy Act of 1861, or of any other Act of Parliament, the Lord Chancellor made the General Orders of the 22nd of February 1862, appointing Mr. Aldridge not only the Solicitor for all Petitions in *formâ pauperis*, but also appointing him the Solicitor to act in the prosecu-

tion of all Bankruptcies where no creditors' assignee was chosen at the first meeting of creditors, and directing that "in every Bankruptcy prosecuted by such Solicitor, and not being under a Petition in *forma pauperis*, the bill of costs, charges, fees, and disbursements of such Solicitor shall be taxed and paid in like manner as bills of costs of other Solicitors in matters of Bankruptcy are taxed and paid?"

THE SOLICITOR GENERAL said, in reply, that the gross sum he stated on a former occasion to have been received by the gentleman referred to by the hon. Member did not include the sums received in respect to the other branches of his emoluments, which were paid in the ordinary manner; but the statement he made with respect to the net remuneration would include everything paid for that gentleman's services. The gross sums received by Mr. Aldridge from all sources amounted to £3,565 8s. 5d. for the first year of his appointment, and, deducting disbursements, the net amount received during the first year was £1,519 17s. 10d. The gross receipts during the third half-year from all sources were £1,689 8s. 8d., and, deducting disbursements, the net receipts were £623 1s. 11d. for that half-year. This statement agreed substantially with that which he made the other night. With regard to the second question of the hon. Gentleman, he had to state that the facts were as follows:—The Lord Chancellor had originally made arrangements for a single year's remuneration, with the intention that any subsequent allowance should be made dependent on the working of the first year. On a revision of the accounts for the last half-year of the first year, which came down to the 11th of October 1862, the amount paid in the shape of remuneration was ascertained to come to a greater sum than the Lord Chancellor considered necessary. Accordingly, in December 1862 the Lord Chancellor directed that the remuneration for the future should not exceed two-thirds of what it was formerly. In April last an instruction was issued to prepare a formal order to that effect; but owing to the illness of the official who had charge of these things, it had not been presented to the Lord Chancellor for his signature. It was, however, quite understood that Mr. Aldridge was not to receive more than £1,200 a year in all. The Lord Chancellor in this matter had acted under the authority given to him by the Bankruptcy Act. In reply to the last

Question of the hon. Member, he (the Solicitor General) had to state that the Lord Chancellor made the order under the authority given to him by the Bankruptcy Act of 1861. He would take that opportunity of further stating that he held in his hand a letter from the three Commissioners in Bankruptcy, in which they stated that—

"They were of opinion that a more efficient officer than Mr. Aldridge for the duties that devolved upon him in the Court of Bankruptcy could not have been selected; and that his services had been most useful as a security to the Court and in the interest of the suitors."

## SECONDARY PUNISHMENTS.

### QUESTION.

MR. WARNER said, he would beg to ask the Secretary of State for the Home Department, Whether he intends to bring in, early next Session, a Bill founded on the Report of the majority of the Commissioners on Transportation and Penal Servitude; and, if not, what other steps will be taken by the Government for amending the Law of Secondary Punishments, with a view to render them more certain and efficient?

SIR GEORGE GREY, in reply, said, he had already directed a Bill to be prepared embodying such of the recommendations of the Commissioners as involved a change of law, but it was too late now to do anything with it this Session. It would be brought forward early next year. As to the other recommendations of the Commissioners, which could be carried out under the present law by the executive Government, he had applied to the officials for information as to how far they were practicable.

## THE DISTURBANCES IN NEW ZEALAND.

### QUESTION.

MR. W. E. FORSTER said, he wished to ask the Under Secretary of State for the Colonies, Whether the Despatches lately received from New Zealand confirm the statement in a public journal, that the Governor of New Zealand has sent a request to the Governor General of India, asking him to send Sikh Troops to aid in suppressing the disturbances in New Zealand?

MR. CHICHESTER FORTESCUE said, in reply, that no application had been made upon that subject by Sir George Grey, the Governor of New Zealand, to the Governor General of India. But Sir George



Grey sent home by the last mail a communication to the effect that there was great reason to apprehend that the murder of the officers and soldiers which took place at Taranaki would become the signal for a renewal of the war, and a formidable attack by the natives on the European settlers. Under those circumstances, he made, with the advice of his ministers, an urgent application to Her Majesty's Government to increase the force in New Zealand by the addition of one European regiment, and of two regiments of Sikh troops from India, it being the opinion of military men in New Zealand who had served in India, that those troops would be remarkably well adapted for New Zealand warfare. Her Majesty's Government had had that application under their consideration, and in consequence of the critical condition of the colony had come to the decision that it ought to be complied with.

#### CLERGY DISCIPLINE.—QUESTION.

MR. F. S. POWELL said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Government to introduce during the present Session a Bill for the Amendment of Clergy Discipline; and, if not, whether the subject is to be taken into consideration by the Government with a view to the introduction of a measure at an early date in the next Session?

SIR GEORGE GREY said, in reply, that it was not his intention to introduce any Bill for that purpose this Session. A Bill had already been prepared upon the subject, but it would require careful consideration and revision; and he anticipated that the measure would be submitted to Parliament in an improved shape in the course of next Session.

#### CONVEYANCE OF MAILS IN MONTGOMERYSHIRE.—QUESTION.

MR. W. WYNN said, he wished to ask the Secretary to the Treasury, If any arrangements have yet been made with the Railway Companies of the district for the transmission of Her Majesty's Mails through Montgomeryshire by Railway; and, if not, to which of the Companies the delay in the negotiation is now attributable?

MR. PEEL said, in reply, that a proposal had been received from the North Western Railway Company for the conveyance of the mails through Montgomeryshire.

*Mr. Chichester Fortescue*

But that proposal was not considered of a satisfactory character, and had been referred back with suggested alterations. Negotiations were still pending upon the subject, and he hoped they would be brought to a satisfactory conclusion.

#### THE MHOW COURT MARTIAL.

##### QUESTION.

MR. CONINGHAM said, he rose to ask the Under Secretary of State for War, Whether he will lay upon the table of the House a Copy of the Warrant granted to the Commander-in-Chief in India authorizing him to confirm and carry into effect the findings and sentence of General Courts Martial on Officers; and also, what were the circumstances under which Lieutenant Adjutant Fitzsimon was removed by the Military Authorities in India from the Adjutancy of the Inniskillen Dragoons; when was that removal reported to the Commander-in-Chief, and has it received the sanction and approval of His Royal Highness?

THE MARQUESS OF HARTINGTON said, in answer to the first Question of the hon. Gentleman, that he had no objection to lay upon the table a Copy of the Warrant. With regard to the second Question, he had to state that Lieutenant Fitzsimon had not yet been removed from the Adjutancy of the Inniskillen Dragoons; and if the hon. Member would refer to the *Army List*, he would find that Lieutenant Fitzsimon's name still appeared there as Adjutant of that regiment. It was true that that Officer had been suspended by Colonel Crawley, subject to the sanction of the Commander-in-Chief, who had declined to take any further action in the matter until the conclusion of the Court Martial on Colonel Crawley, which was to take place in this country. One of the most important points on which that Court Martial would have to decide was the difference between the statement of Colonel Crawley and that of Lieutenant Fitzsimon; and he therefore thought that the Commander-in-Chief was perfectly right in not sanctioning in the mean time the suspension of the latter officer.

MR. E. P. BOUVERIE said, it would be in the recollection of the House that two Memorandums in connection with this case had lately been laid on the table. After the first of these was made public, he had reason to believe that there was another Memorandum from the Adjutant General to the Commander-in-Chief in

India on the same subject, and he invited his noble Friend the Under Secretary for War to produce it. Since then a Memorandum, marked "Privately sent to the Commander-in-Chief in India," had been laid on the table. That was a document which, being of a private character, he had never asked for, and which, in his opinion, the House was not entitled to see. He had been led to understand that there was another communication from the Adjutant General to the Commander-in-Chief in India, and he now begged to ask whether that was not the case, and whether the private Memorandum had not been laid on the table through an inadvertence?

THE MARQUESS OF HARTINGTON said, it was perfectly clear from the statement of his right hon. Friend, that the Memorandum laid before the House was not the one he wished to see, and that he had never intended to ask for a private document. At the time, he (the Marquess of Hartington) did not think the paper in question would bear out what the right hon. Gentleman had stated; but His Royal Highness the Commander-in-Chief was personally anxious, that as it had been mentioned, it should, although private, be laid on the table. There had been a great deal of correspondence between the military authorities at home and those in India on this subject, and he had no doubt that there was some letter in that correspondence such as his right hon. Friend had referred to; but it would be extremely inconvenient and unfair to publish one out of a long series of letters. The proper course would be for his right hon. Friend or some other Member to move for the whole Correspondence, and then it would be for the consideration of the Secretary of State whether it should be produced. He could, however, assure the House that no communication had emanated from the Horse Guards modifying, in any material point, the view promulgated by His Royal Highness in his first Memorandum.

#### THE INDIAN STAFF CORPS.

##### QUESTION.

COLONEL DUNNE said, he would beg to ask the Secretary of State for India, What are the qualifications required for the Staff Corps in India; and whether the selection for this service is made by the military authorities in that country, or the civil authorities in England?

SIR CHARLES WOOD said, in reply, that there were a great many services per-

formed by Officers of the Staff Corps in India which had no relation to political matters. The qualifications for different services were, of course, different, but there was no general qualification for any particular services which applied to that description of service alone. The appointments in India on the Staff Corps were subject to confirmation by the Government at home; and if appointments were made which were considered by them to be in opposition to the regulations, they might be revoked.

#### NAVIGATION SCHOOLS.—QUESTION.

SIR HENRY STRACEY said, he wished to inquire of the Vice President of the Committee of Council on Education, Whether the intended regulations applying to Navigation Schools, to come into operation on 1st January 1864, cannot be so altered as to make it compulsory on the applicants for the rank of Master or Mate to acquire the subjects laid down as necessary to produce the results upon which the Teachers at the Navigation Schools are to be paid?

MR. LOWE replied, that it was not in the power of his Department to make the alteration suggested. Examinations of Masters and Mates for Certificates of competency were in the hands of the Board of Trade. The examinations in Navigation Schools were appointed to be made by the Committee of Council on Education, for the purpose of placing those Schools in the same position as other certificated Schools; the pupils in them would be examined and the masters paid according to their proficiency. In his opinion there would, in the present state of nautical education, be great difficulty in carrying out the suggestion of the hon. Gentleman.

#### DANGEROUS EXHIBITIONS.

##### QUESTION.

MR. DOULTON said, he would beg to ask the Secretary of State for the Home Department, Whether the owners or occupiers of places of public resort are at present responsible for the provision of proper safeguards against injury to the lives or limbs of those performing in or frequenting such places; and, if no such responsibility at present exists, to inquire whether he is prepared to introduce next Session such an amendment of the Law for licensing places of public amusement as should empower the police or local authority to enforce such necessary protection?

SIR GEORGE GREY said, he apprehended that the occupiers of any place of public resort or amusement who undertook to provide the machinery or apparatus for dangerous or other exhibitions were clearly responsible for providing proper safeguards against injury to life or limb; and if any injury occurred through their culpable neglect, they would be legally responsible for the consequences. The question had reference, no doubt, to two lamentable accidents which had recently occurred, one at Cremorne Gardens and the other at Birmingham. When the accident occurred at Cremorne, the occupier of the gardens immediately announced his attention of prohibiting all such performances in future, and he hoped that the same course would be taken elsewhere. So long as the public desire existed for performances of this character, however much that desire was to be deprecated, he was afraid they would take place, and the Government had no power to prohibit them. But on several occasions on which performances were announced, in which there was evident danger and risk of life to the performers, the Secretary of State had addressed circulars to the occupiers and owners of the places of amusement warning them of the responsibility they incurred and the consequences which might result to them in case of loss of life. In general he was glad to say such remonstrances had been attended with the desired effect.

#### INDIA—CLAIMS UPON OUDE.

##### QUESTION.

SIR ARTHUR BULLER said, he would beg to ask the Secretary of State for India, The reason why the claims of the representatives of the Calcutta bankers, Monohur Doss and Dwarciah Doss, upon the Government and State of Oude, are to be referred for investigation in India; seeing that the agents of the claimants are in England, that the documentary evidence on which their claim is founded is also here, as well as all the official proceedings relating thereto, that the reference to an Indian Judge or other local functionary would be unsatisfactory and inconclusive, and would involve great unnecessary expense and personal inconvenience, and exclude the services of persons most cognizant with the facts and merits of the case; what is the nature of the inquiry proposed to be made, and whether it is to be limited, like the inquiry contemplated by the right hon. Gen-

tleman's predecessors in office, Mr. Vernon Smith and Lord Stanley, to the question whether the claims submitted fall within the category of "public and *bond fide* debts of the King of Oude;" or whether he proposes to leave it to the Indian Judge or Commissioner, whether he may be, to reopen the entire question, and to report his opinion as to the moral and equitable liability of the British Government; and whether, in finally dealing with these claims, he is prepared to adhere to the principles laid down by Lord Stanley in this House, when Indian Minister, that "the transfer of the Revenues of Oude to Great Britain did carry with it a liability for such debts of the former Government as were fairly and justly contracted?"

SIR CHARLES WOOD stated, in reply, to the long question of the hon. Member, that an inquiry was ordered by his predecessor to be made into the subject referred to, and he had merely acted ministerially in carrying out the instructions given by the noble Lord the Member for Lynn (Lord Stanley). He had given no directions whatever; in fact, as the responsibility of ultimately deciding what was to be done would devolve upon him, he had carefully abstained from going into the merits of any one of the cases.

#### PRIVATE BILL LEGISLATION.

##### QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the President of the Board of Trade, Whether, as Chairman of the Committee on Private Bill Legislation, as well as in his official capacity, he intends to take any and what steps in order to give effect to the recommendations of the Committee, or to effect any other alteration in existing practice as to Solicitors' charges for Copies of Evidence, and also as to the *ad valorem* duties on Private Bills in the House of Commons?

MR. MILNER GIBSON replied, that the Committee passed several Resolutions, and the evidence taken before them had been printed, and would be laid before the House in a few days. The Government had thought it better not to propose any action upon these Resolutions this Session. Considering the lateness of the Session, and the fact that Members were daily leaving town, if action were now taken, it would be in the presence of only a small number of Members, which was very undesirable in making important changes affecting the practice of the House.

Mr. Doultton

Mr. DARBY GRIFFITH: Will they do so next Session?

Mr. MILNER GIBSON: I think it is highly probable.

Mr. WHALLEY said, he wished to know if the House was to understand that a Bill will be introduced next Session on the subject?

Mr. MILNER GIBSON said, it was intended to introduce a Bill at the commencement of next Session to enable promoters of undertakings, when all parties were assenting, to carry out certain works, and accomplish certain objects by complying with the provisions of a general measure, such compliance to be certified by a Department of the Government.

#### AFFAIRS OF JAPAN.—QUESTION.

Mr. LIDDELL said, he rose to inquire, Whether any application has been made to the Governor General of India for Troops to be employed in Japan; and, further, whether the Governor General has the power of ordering Troops for Foreign Service without the previous sanction of that House? He was induced to ask this question in consequence of what was now occurring in Japan, and of an announcement reported to have been made by Admiral Kuper to the British residents upon these islands that he was unable to afford them protection.

Sir CHARLES WOOD: I am not aware that any application of that kind has been made to the Governor General.

#### OUTRAGES IN RAILWAY CARRIAGES.

##### QUESTION.

Mr. BLAKE said, he would beg to ask the President of the Board of Trade, Whether his attention has been called to a late murderous attack by a maniac on two fellow passengers in a Railway carriage on the North Western Line between Liverpool and London, whereby they received wounds seriously endangering their lives; and whether the Government intend taking any and what steps to compel the Railway Companies to provide means to enable passengers to obtain assistance in the event of outrage or accident?

Mr. MILNER GIBSON said, his attention had not been called to the occurrence in question, otherwise than by reading an account of it in the newspapers. He understood the hon. Member to refer to the necessity of there being some means of communication available to passengers with guards. That subject had been mentioned

occasionally by the Inspector of Railways as one worthy of consideration, but there were objections entertained in many quarters, and he could not say that the Board of Trade had in view any proposal. They had frequently sent circulars to Railway Companies, calling their attention to the necessity of having means of communication between guards and drivers, but he did not know that they had ever suggested means of communication between passengers and guards. It was not for him to say whether there should be such means or not, but undoubtedly the subject was well worthy of consideration.

#### INDIA—THE FINANCIAL STATEMENT.

##### EAST INDIA REVENUE ACCOUNTS.

Order for Committee thereon read.

Mr. GRANT DUFF: Sir, in bringing the subject of the transfer of the seat of the Indian Government before the notice of the House last year, I went at so much length into the question of the unhealthiness of Calcutta, and of the danger therefrom resulting to valuable European life, that I think I shall be justified in saying nothing about it on this occasion; more especially as little was proved by my hon. Friend the Member for Lancaster, and others, who took a view opposite to mine; except, what of course I never attempted to deny, that, namely, many have been known to survive a residence in that agreeable and salubrious capital. The truth is, that at Calcutta, as in most parts of India, all complaints are made much more dangerous by alarm. The more sensible part of the population is accordingly always in a tacit conspiracy to maintain that the climate is not so very bad, and my hon. Friend the Member for Lancaster has evidently not even now got rid of the habit of asking, 'Who's afraid?' and of

'Whistling up Lord Lennox' March  
To keep his courage cheery.'

I shall therefore confine myself entirely to the political reasons which seem to me to make in favour of a change in the seat of our Indian Government. In the first place, it will not be denied that this charming climate is at least somewhat enervating; that although officials and barristers are longer at their offices and in the courts than in England, the business done is much smaller; and the machine of government is perpetually working at half power. In the second place, Bengal is an exceptional country; there are few districts in

India from which it is so dangerous for an English ruler to generalize. If ever any Governor-General imagines that the people of the North West will submit to half the ill-treatment to which the Bengalee will submit, we may have to face a convulsion, to which the mutinies were a joke. The permanent settlement, the indigo cultivation, the influence of the planters, and of the English colony in Calcutta, are all peculiarities of Bengal, which render it a very misleading residence for those who have to rule the gigantic assemblage of nations which we call by the collective name of India. The leading journal recently put this argument with great force, when it said, 'If we can conceive that France had been ever ruled, not from Paris, but from Nantes, and by a government imbued exclusively with the local traditions of Brittany, we shall get some idea of the effects produced by governing India from Calcutta.' The arguments in favour of Calcutta have been well summed up by Mr. Marshman. First, it is the pivot of the Ganges trade; secondly, it is on the estuary of a hundred rivers; thirdly, it would be too expensive to remove our records; fourthly, it would be impossible to remove our Mint, our Treasury, or our Financial Secretary; fifthly, we have at Calcutta the largest Anglo-Saxon independent community in India; and sixthly, Calcutta is not so far from being central as many people are accustomed to believe. To these observations I reply—first, I do not for a moment dispute that Calcutta must always remain an extremely important commercial city; the New Orleans of the Gangetic Delta, and the resort probably at no distant period of many more adventurous persons who desire to become quickly rich than it now holds; secondly, the very fact of its being upon an estuary makes it a great market, but an unhealthy seat of Government; thirdly, the sooner we remove our records the less expensive it will be; fourthly, with regard to the question of the Mint, I have been assured by some who ought to know that there would be some difficulty in taking away our Mint and our Treasury from Calcutta, but if so, these portions of the Governmental machine might be left there; fifthly, part of the Anglo-Saxon community would follow Government, and I am by no means sure that the influence of the Anglo-Saxon community in Calcutta, although it may have been of use in modifying some of the traditions of the Com-

pany, is likely to be of permanent benefit to our Indian Central Administration; sixthly, I sincerely hope that we are not likely to extend ourselves much further towards China and the Eastern Peninsula, and I am sure that if fate forces upon us further conquests in those regions, Calcutta will not be the best centre from which to govern them. For the present at least, the great point seems to me to be to get our seat of Government away from Calcutta. If we do this, I care less whither we go. It is more than doubtful whether for the next ten years our Indian Government might not with great advantage be ambulatory. If, however, we select some one place, which of course we must eventually do, I am clear that it should be in Western India. Mr. Campbell, before the mutinies, proposed Deyrah-Mussoorie, and others have advocated Simla. Agra also has had its partisans; but to all these suggestions there is one sufficient answer: '*Cela nous engage trop*,' as the French would say. No one can reasonably advocate the establishment of our seat of Government in any one of these places, unless he believes that England is to rule India as long as the Ganges runs to the sea. Whatever may be the favourite routes to India, when all the countries which lie between us and our Indian Empire are thoroughly opened up, they must all converge on some point in the Bombay Presidency. Whether we sail round the Cape or by the Mediterranean and the Red Sea, or travel by land, as many now living will probably do across Western Asia, we must, in the nature of things, first touch Indian soil at a point far distant from Calcutta; and even when the railway system is completed, the traveller from England must, after crossing the Indian frontier, undertake a journey across a miniature continent before Calcutta can be reached. Neither the Indus Valley nor Guzerat and the adjoining countries have any point to show which seems very desirable for a capital. We are driven, if we look in the map, continually further south, till we arrive in the neighbourhood of Bombay itself, and are brought to two points which have been frequently named as possible future sites of Indian Government, I mean to Bombay and Poonah. The respective merits of these I discussed at length last year, and need not say more at present than that the advantages of Bombay are sufficiently obvious, but that Poonah is superior to it in salubrity, in being less

exposed to any attack from the sea, and in affording much less expensive sites for erecting new buildings. It is to the *region*, and not to the particular *spots*, that I wish to call attention. The different effects of the climate are sufficiently visible in the character of the inhabitants; for the most remarkable thing which has been done in modern times by natives of India was done by the men of the very district to which I am directing attention. I mean, of course, the foundation of that great *Mahratta* power which shook the throne of the *Moguls*, and measured its strength with that of England more than once, upon fields which were inglorious neither to the conqueror nor to the conquered. Let us suppose our empire continuously prosperous. What part of India, if we except the Himalayan range, possesses so many places where hard work may be done without injuring European life? Again, suppose our empire unprosperous, what part of India contains so many fastnesses where a small force of Europeans could defend themselves against overwhelming numbers, until reinforcements came across the sea? But whether we determine to fix our seat of Government in south-western India or not, at least let us determine to leave Calcutta; or, if we cannot determine even to do that, let us determine to call our Council together periodically in different places, until some one appears so peculiarly convenient as to warrant our making it the centre of our rule. There seems to be a much greater probability now than there ever has been yet that India will ere long send you back a fair percentage of men who may be useful in the public life of this country. She has sent, ere this, to our shores many hundred trained administrators; but they have generally wanted that breadth of culture which was necessary to enable them to take a foremost place in England. The men whom the competitive system gives you will have the inestimable advantage of early responsibility, which the older Indians had, and in addition they will have the not less important training in this country between eighteen and two or three and twenty, which the older Indians had not. It is not unreasonable to suppose that some of the very best of our servants will be attached to the Central Indian Government. Well then, let them work in as healthy localities as possible, if only that we may get more work out of them when they return to this country.

MR. GREGSON observed, that to a considerable extent the wishes of the hon. Gentleman were already practically carried out, for the Governor General had a kind of roving commission, going to Agra at one time and the upper provinces at another. It was very true, that if the seat of Government were to be selected for the first time, it might be possible to fix on a site more convenient than Calcutta; but it would be attended with very great expense to remove the whole of the establishments from Calcutta, and he did not think any sufficient reason had been shown for the change.

SIR CHARLES WOOD said, he would admit that the question had excited a good deal of interest in India, and many persons entertained the opinion that it was desirable that the seat of Government should be removed from Calcutta. But the hon. Gentleman who introduced the question had not thrown any great light on the subject. It, in fact, was a mere repetition of the debate of last year, and, after all, they were left considerably in the dark as to what the hon. Gentleman intended to propose. The only point on which he appeared at all to have made up his mind was, that the seat of government should, at all events, be removed from Calcutta, and, go wandering about India until it could find a place of rest. Now, a more inconvenient mode of proceeding than that he could not well conceive. Nothing could be more unwise than to leave Calcutta before they had determined where the new seat of Government should be. Calcutta had for many years been the seat of Government; all the public establishments were there, and great expense must be incurred if they were removed from year to year, and from place to place, until a more eligible site should finally be fixed upon. Such a scheme would be most extravagant and unwise. A plan had, indeed, been under the consideration of the Governor General for his Council to meet in some other part of India than in Calcutta during the ensuing autumn. There was no difficulty in that arrangement, but there would be the greatest possible difficulty in transferring the public establishments, with all the secretaries and clerks, from one part of India to another. He did not think such a roving commission as the hon. Gentleman proposed could possibly eventuate in any good whatever. It did appear to him a most unreasonable proposition, and till it was definitively settled where the new seat of Government should be, it

would certainly be exceedingly unwise leave Calcutta.

MR. LIDDELL said, he wished to remind the right hon. Baronet that he had not answered the Question he had put to him—whether the Governor General of India had the power of ordering troops upon foreign service without the previous sanction of that House? The question was very important with reference to what was happening in New Zealand and Japan.

SIR CHARLES WOOD said, he did not think that under ordinary circumstances the Governor General would do so, but under extraordinary circumstances no doubt he would exercise that power.

MR. W. E. FORSTER considered that the subject to which the hon. Member for Northumberland (Mr. Liddell) referred involved a constitutional question of much importance, and had a most important bearing on the revenues of India. He thought that the answer of the right hon. Gentleman rendered it necessary that fuller information should be given to the House upon it. From what had happened in China and what he supposed was happening in Japan, as well as from what was about to happen in New Zealand, it appeared that the Crown had the disposal of a much larger army than was voted by that House. He did not object to the employment of Sikh troops in New Zealand, but it appeared that by little and little the Crown was getting the disposal of a much larger force than was voted by Parliament, and it was highly important that the relations in which we stood to the Indian army should in this respect be clearly established and understood. The subject was noticed when the Bill for amalgamating the Indian with the Queen's army was under discussion, and the difficulty was foreseen by the Chancellor of the Exchequer, who introduced a clause to meet it. It was a high breach of the privileges of the people to maintain a standing army without the authority of Parliament, and the precise number of men of which the army was to consist was annually voted by the House. But if they permitted the employment, without remark, of Indian troops out of India, although there might appear reasons for it, the result would be to place at the disposal of the Crown an army of 100,000 or 200,000 men beyond the force directly sanctioned by the House.

SIR HENRY WILLOUGHBY said, he thought the matter of the greatest importance. He had put a Question to the noble

Lord the Under Secretary for War, which he appeared unable to answer. He wished to know how the Sikh troops to be employed in New Zealand were to be paid. The Executive, it appeared, took upon themselves the responsibility to employ the troops, and that House had to lament and pay the bill. He hoped the noble Viscount would explain the views of the Government, not only on the constitutional, but also on the financial question.

VISCOUNT PALMERSTON: I think the hon. Gentleman has considerably exaggerated the importance of the matter when he says the Government are taking to themselves the disposition of 200,000 or 300,000 men of the Indian army. The troops in India are paid out of the Indian revenue, and we cannot take them elsewhere without providing for them pay out of the revenue of the country; and therefore it is obvious, that although you may have a large number of troops in India, we cannot employ them elsewhere, or, at least, only in very limited numbers, and provided that the expense caused in so employing them can be met out of the sum already voted by Parliament for military purposes. What has happened in this case? Disturbances have unexpectedly broken out in New Zealand. We have reduced the number of troops in the Colony, confiding in the continuance of peace; and when these disturbances unexpectedly took place, the Governor felt, that for the safety of the European inhabitants, and for the interests of the Crown, an additional force would be required. He applied to us that three regiments, consisting of something like 3,000 men, should be sent from India to New Zealand. I think the Government would have been neglectful of their duty, and would have assumed a very great responsibility, if they had refused to comply with that requisition. We believed that upon a compliance with that request the safety of the lives and property of the colonists to a great extent depended. The Government, however, could only do so upon the condition that the additional expense caused by the transfer of that limited number of men from the Indian revenue to the Imperial revenue—if not met out of the amount already voted, or by the contributions of the Colony—should be submitted to Parliament next Session, when we ask the House to grant, as I have no doubt it will, the amount necessary to meet this additional expense. This is a very limited proceeding, arising from an urgent neces-

sity, and which could not have been delayed without much danger.

COLONEL SYKES observed, that the Act transferring the Indian territories to the Crown absolutely prohibited Indian troops from serving out of India; but, in its passage through the House of Lords, an alteration was made to the effect that Indian troops should not be so employed "at the expense of the revenues of India." The result was to leave the control of 200,000 or 300,000 men at the disposal of the Government at home, to be employed in any part of the world. It was a very grave constitutional question, which the House ought to consider. We were now going to send Sikhs to slaughter the aboriginal inhabitants of New Zealand upon a land dispute, in which they were right and we were wrong.

*East India Revenue Accounts considered in Committee.*

(In the Committee.)

SIR CHARLES WOOD: I am happy to say that upon the present occasion I have a very easy, and, I trust, a satisfactory task to perform in stating the progress of Indian revenue and expenditure in the present and two preceding years. The accounts are rendered in the old accustomed form, and therefore it is not necessary for me to occupy any time in explaining them. The accounts with which we have first to deal are those of 1861-2, up to the 30th of April 1862, and the regular estimate for 1862-3. As to the year 1861-2, I am glad to say there has been a great increase in the revenue of India. When the regular estimate was submitted to the House last year, it was estimated that there would be a deficiency of some £600,000. I am happy to say, that although the expenditure has exceeded the estimate to the extent of £370,000, yet the revenue has increased to a larger extent—namely, £920,000, in round numbers. So the deficiency, instead of £600,000, will be only £50,000. The actual revenue was £43,829,000, the estimated amount being only £42,911,000. The actual expenditure was £43,880,000, the estimate having been £43,506,000, or an increase of £374,000; but the excess of revenue over the estimate, as I have said, reduced the actual deficiency to only £50,000. There are variations in the items which led to that result. There was a considerable increase in the land revenues of £862,000, a portion of which was, however, of a temporary character. There

was a decrease in the revenue from salt—£547,000, not arising from a diminution in the quantity used by the natives, but because English salt has been substituted, to a large extent, for the salt manufactured by the natives, and the English salt having paid duty in the previous year the receipt did not appear in the accounts of the year 1861-2. There was a considerable increase in the expenditure for the army—£880,000, to discharge some arrears for the old mutiny, that had not been brought to account. Upon the other hand, there was a diminution in the cost of opium—£600,000. On the whole, the result is as I have stated. I think I may fairly congratulate the House upon the circumstance, that so soon after the mutiny we have arrived at a practical equality between Indian expenditure and Indian revenue. I have been sometimes accused of taking too sanguine a view of Indian revenue, and sometimes I have been accused of taking too desponding a view; but my only object has ever been to lay before the House what I believed to be a fair view of the prospects of the revenue, and it is satisfactory to find that the anticipations which I ventured to make as long ago as 1859, when I first assumed my present office, and again in 1860, when I had obtained some experience in it—that those anticipations have been fully borne out by the results. I said in 1859 I hoped, by judicious economy, we might, in two or three years, bring about an equilibrium of revenue and expenditure. In 1860 I ventured to state, that by reduction of expenditure and increase of taxation the equilibrium would probably be obtained in 1861-2. The view I then took has been verified by the event, for we are so near an equilibrium that the deficiency in that year is only £50,000 upon a revenue and expenditure exceeding 40 millions. That is all which it is necessary for me to say upon the accounts of 1861-2. I now come to what is called the regular estimate for the year 1862-3, which is an estimate of the public income and expenditure for the year made up shortly before the close of the year, and very nearly approaches correctness. The budget estimate of 1862-3, as transmitted from India, showed a probable surplus of £179,000, but it was my duty to state last year that I thought some items should be omitted and some inserted, and that after these corrections the result would be a probable deficiency of £800,000. But in this case, still more than in that of 1861-2, the estimate of reve-



nue and also, to a lesser extent, of expenditure, were under the mark. It appeared clear, soon after the year had begun, that revenue was increasing more rapidly than had been estimated in April. As long ago as December last we received a despatch from India which showed that in all probability the revenue would be £1,018,000 higher than the estimate laid before the Council of the Governor General in the April preceding, and that the expenditure would be about £702,000 higher than had been estimated, thus reducing the anticipated deficiency by £316,000. But I am glad to say, that by the figures of the regular estimate it appears that the increase of revenue has been more extraordinary and the increase of expenditure has been less than was then expected. The regular estimate of 1862-3 gave a probable income of £45,105,000. The Budget estimate of April 1862 assumed a probable income of £42,971,000. In March 1863 the increase of revenue, compared with the estimate, was no less than £2,134,000. Of that sum, £1,550,000 is due to the increased revenue from opium, the whole amount which it is expected will be received from that source during the year being £7,850,000. In the salt revenue there is an increase above the Budget estimate of £280,000, which is most satisfactory, because it furnishes a strong proof of the prosperity of India. The land sayer and abkarry revenue shows an increase of £300,000. These are the main sources of increase which make up the £2,134,000. The expenditure in India is higher by about £440,000 than was anticipated in the Budget estimate; but, on the other hand, the expenditure in England has been considerably less. I wish I could say that the reduction of the expenditure in England was a real and actual reduction. I am afraid that is mainly due to the postponement of certain expenses, partly of some Admiralty claims, partly for the construction of the India Office, and partly for the construction of the electric telegraph cable through the Persian Gulf; but, so far as the year goes, there is a reduction of about £395,000. The result, therefore, is that the regular estimate of expenditure is £43,825,000, and the Budget estimate £43,779,000; the increase of expenditure, taking India and England together, is only £46,000; and, subtracting the expenditure from the revenue, a surplus of £1,280,000 is left upon

the year. I am still more happy to say that I have not the least doubt that the revenue will exceed the regular estimate. Even in this country it is not easy to be correct in estimating revenue, and in India it is even less easy, the estimate of revenue made by Mr. Laing before he left India being more than £2,000,000 under the amount which it seems now probable will be received. But what is more material, as indicating the progress of the country, is a comparison of the estimate for 1862-3 with the actual accounts of 1861-2. The revenue of 1862-3 may be taken at £45,105,000; that of 1861-2 was £43,829,000; so that the revenue of 1862-3, if the anticipations of the regular estimate are verified, will show an increase of £1,276,000, compared with the revenue of the preceding year. An increase of about £1,500,000 is due to the opium revenue; and the increased revenue from salt in 1862-3, as compared with 1861-2, is £770,000. The expenditure in India in 1861-2 was £37,245,000; in 1862-3 it amounted to £37,228,000, the reduction of expenditure in the latter year being only £16,000. The army has been reduced by about £1,215,000; but the opium charge is more by £544,000, and a larger amount of interest has to be paid, to the extent of £275,000. The decrease in expenditure is £55,000, taking England and India together; the increase of revenue is £1,276,000. This is the more satisfactory, because the reduction of the 10 per cent duty to 5 per cent had taken place, so that the revenue has kept up in spite of that reduction. I now come to the year 1863-4, which is the current year. This is what is called the Budget estimate, which is laid by the Government of India before the Council of the Governor General, before the commencement of each year. The revenue of 1863-4, before any reduction of taxation, is estimated at £45,306,000, and the expenditure at £44,490,000, leaving a probable surplus of £816,000. That being the state of the prospective revenue and expenditure, the Government of India thought it advisable to reduce taxation to a certain extent. Everybody knows that a sort of pledge was given that the income tax should cease at the end of the appointed period, and in order to show that they were honest in this intention, and to relieve the people of India from the pressure of a tax which is felt very severely, the Indian Government reduced the income tax by 1 per cent.

At the same time they reduced the duty of 10 per cent upon the raw material of iron, a duty which I think ought never to have been imposed—and also the duty upon beer, one of the most wholesome beverages in India, and consumed there by Europeans. It is most desirable to extend the consumption of this beverage, so as to diminish that of spirits, which are much more deleterious. The reduction of the income tax and the Customs duties together amount to £335,000, leaving a probable surplus of £480,000 for the current year. In the estimate of revenue opium figures to a very large amount, the anticipated receipt from this source in the course of the year being no less than £8,000,000. The increased expenditure is upon public works, to the amount of from £400,000 to £500,000, but there is also a very considerable increase in the charge for the police force and for law courts—establishments intimately connected with the peace and tranquillity of the country. These items represent the principal increases in the expenditure of the year. The satisfactory condition of the revenue is, of course, owing to the general improvement and growing prosperity of the country. The reduction of expenditure is due, in a great measure, to the exertions made by the Government of India; and the Committee would probably like to see what these reductions have been during the last three or four years. The year of highest expenditure was 1859-60, when the gross expenditure was £50,475,000. Between that and the next year a reduction took place of £3,551,000; in the year following there was a reduction of £3,044,000; in the year which ended last April the whole reduction will be about £55,000; but, in the present year, owing mainly to the causes I have mentioned—namely, the larger grant for public works, police, and courts of justice, there will be an increase of expenditure amounting to £665,000, still leaving, after the reduction of the duties, a surplus of £480,000. Now, the great reduction, of course, has been in the military force. The highest charge for the military force was in 1858-9, and, comparing that with the last year, there will be found a reduction of from £25,500,000, to £14,500,000, or about £11,000,000. The charge is still considerably higher than it was before the mutiny, but that increase mainly results from the substitution of a much larger European force and the reduction of the native force. During the last year we have discontinued

the Indian navy. That has been not from the slightest disregard of the merits and claims of this branch of the service, but because the state of things has very much changed from what it was in former years. In the early period of Indian history there was, in point of fact, no Indian navy at all, and the defence of India depended entirely upon the Royal Navy. Subsequently, the Bombay marine and the Indian navy were created, mainly for local purposes—the conveyance of troops, the suppression of the slave trade, and the prevention of piracy—and they performed these services admirably. But a considerable change has now taken place. Large French frigates now constantly visit those seas, and, with a view to the adequate protection of English interests there, it is indispensable that such a naval force should be there as could not be maintained by the Indian Government. The Indian navy was not calculated to meet or to cope with the vessels of first-rate European Powers. It was therefore thought desirable to reduce that force within smaller limits; but on learning that this was our intention, the officers, and the commodore who was at the head of that navy, expressed the opinion that if we were to reduce it to so small a force as was proposed, it would be hardly possible to keep up the spirit and the character of that force. We therefore determined that it would be far more advantageous to put an end to the service altogether; but it must not be supposed on that account that the officers, wherever they were employed, whether the Bengal marine in China or the Indian navy at Mowherra, did not perform the most distinguished services. The measure adopted did not originate in any doubt as to the admirable manner in which they discharged their duties, but it was thought desirable, simply for public reasons, not to continue the service. It may be interesting to the Committee to see a comparison of the year of highest charge and that of highest revenue. The charges were highest in 1859-60, when they amounted to £50,475,000, and lowest in 1862-3, when they were £43,825,000, being a reduction of £6,650,000 in the expenses of the Government. This reduction is certainly due to the exertions made by the Government in India; and I must say, in justice to the Financial Commission, at the head of which was first Colonel Jameson and then Colonel Balfour, that they deserve the greatest credit for their efforts to reduce

any expenditure not absolutely required by public necessity. On the other hand, there has been an increase in the revenue from 1859-60 to 1862-3, in spite of some reductions, of £5,400,000. That is a satisfactory change, and shows the manner in which the resources of India have developed themselves. I do not suppose that we can effect much reduction in the civil establishments in that country. There will be some reduction, no doubt, in the interest of the debt, in the guaranteed interest on account of railways, and in what is called the loss by exchange. This is going on from year to year. On the other hand, there are some items of expense with respect to which we must expect an increase to take place. The great item in which an increase will take place is, of course, that of public works in India, which are necessary for so many purposes, and which can only be carried on by the Government. The first great cause of increased expense under this head will be for military works in an improved construction of barracks. In consequence of the Report of the Commission appointed to inquire into the sanitary condition of the Indian army, a question was put the other night for the purpose of ascertaining whether we were prepared to take any steps in reference to the mortality in the Indian army. I am sorry that that question was worded as it was, because I think that a careful examination of the documents contained in the Report would have shown that the general conclusion as to the mortality, though perfectly correct for a long period, was based on facts going so far back that they do not afford a very good index of the sanitary state of the Indian army at the present moment. There is not the least doubt that the habits of the soldiers were more intemperate in former years than now, and the rate of mortality which prevailed some forty years ago is no good criterion of the rate of mortality at present. If we look to Sir A. Tulloch's evidence, on which this statement is founded, we find that the conclusion arrived at is founded on accounts embracing four or five years of extraordinary mortality, which serve to swell up the average. For instance, during the Burmese war in 1824 and the two following years the mortality was 129 per 1,000, 157 per 1,000, and 158 per 1,000. In the year of the Cabul massacre the mortality was 107, and in the first year of the Sikh war 124 per 1,000. These few years swell the average in a wonderful way. Those were periods of war; but if we take

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periods of peace, the decrease of mortality is remarkable as we approach the present time. In the period of peace before the Burmese war the mortality was 75 per 1,000; and in the next successive periods of peace the mortality was respectively 53 per 1,000, 50 per 1,000, 42 per 1,000, and 32½ per 1,000. During the mutiny in India, the mortality in twenty regiments which were sent from this country, but which were not in action, was only 34 per 1,000; and in eight regiments which were in India at the time, but not engaged, the mortality was only 30 per 1,000. But coming to the last year for which we have complete returns, the year 1861, I find that in that year in Bengal the mortality was 47 per 1,000, of which nearly one-half was owing to an outbreak of cholera; in Madras the mortality was only 12·8 per 1,000, and in Bombay only 20 per 1,000. That is by no means a higher mortality than prevails in more temperate climates. According to the Report of the Sanitary Commission in 1857 the mortality of the foot guards at home was 20·4, and of the infantry of the line 18·7, per 1,000. Referring to the rate of mortality in the West Indies, I find it stated at 60 per 1,000; in Ceylon at 38 per 1,000, in the Bermudas at 35 per 1,000, and in the Mauritius at 24 per 1,000. The rate of mortality, therefore, as stated in the Report of the Commission on the sanitary state of the Indian army, is not a fair representation of the ordinary mortality at present, sufficient allowance not being made for the casualties of the service, and for the deaths of persons suffering from wounds and diseases contracted in service. The ordinary mortality in India in times of peace is nothing like that which has been stated in the Report, and I think it right to make this statement, because some alarm might otherwise exist in the public mind. It is not, however, to be supposed that we will relax in the least in our sanitary precautions, for it is incumbent on us to take every means for the preservation of the lives of our troops in India. Another source of increased expenditure is the carrying on of works of a re-productive character. The total sum to be applied to public works in the year 1863-4 amounts to £5,237,200, and including the guaranteed interest on railways to £9,237,200. On this point, Sir C. Trevelyan, in his financial statement for 1863-4, made this further statement—

“The Government desires that it may clearly

be understood that any funds that can be expended with advantage on cotton roads, on works of irrigation or navigation, or on any other useful works, will be granted during the ensuing year. There will be no difficulty as far as money is concerned. The only limit will be the impossibility, in particular cases, of getting value for the outlay."

I can assure the House that for some time past there has been no check whatsoever as far as money goes. As regards railroads, if hon. Gentlemen will look at the Report laid on the table by Mr. Danvers, they will see that some railroads are completed, others are approaching completion, and that others are progressing rapidly. The whole amount now opened is 2,500 miles; 747 were opened last year, and 759 in 1861. The East India Railway is very nearly completed, with some small breaks, and I am glad to say that under the direction of Mr. Turnbull the works have been admirably executed. The Great Indian Peninsula—one of the greatest works ever accomplished—is rapidly progressing. The Bhor Ghaut incline, which surmounts an elevation of 1,800 feet in fifteen miles, was opened in April last. The scenery there is most beautiful; it really is almost worth while going so far to see the magnificent works which have been erected there. If any one is disposed to go, by this time next year he would have an opportunity of seeing works equally great on the sister incline—the Thull Ghaut. The amount of the estimated expenditure on these great lines is £60,000,000. Of this, £56,000,000 has been sanctioned. £48,000,000 has been raised, and £46,000,000 has been spent. The opening of these different means of communication from one part of India to another will be of the greatest possible advantage to that country. As I have mentioned Mr. Turnbull, I ought also to mention Mr. Berkely, the engineer of the Great Indian Peninsula line, who unfortunately was not spared to see the result of his skill and labour. I have been charged with having over-rated the value of railroads, and neglected other means of communication; but it does so happen, that though I sanctioned the opening of the Godavery, the project for irrigation on the Irawaddy, and that in Berar, a light branch railway company supported by many gentlemen from Manchester, and other works, it never fell to my lot to sanction the construction of any of these great lines of railway. When the railways are once commenced, the more rapid-

ly they are pushed on the better. We guarantee the interest, and until the receipts begin to come in, of course that is so much out of pocket. I have therefore been most anxious for the completion of those which had been sanctioned by my predecessors. The House will be glad to hear, that whereas in 1861-2 the traffic returns were only £390,000, in 1863-4 they are estimated at £868,000. That, of course, is deducted from the guaranteed interest which we are liable to pay. I need not go into topics which have already been made the subject of discussion here this Session—such, for instance, as the sale of waste lands. On that question I will only refer to one assertion made—that there had been no applications to purchase waste lands during my tenure of office, whereas there were many applications for the purchase of waste lands before I came into office. I have made inquiries, and I find the statement is totally inaccurate. Applications were made to the East India Company to know whether there were lands for sale, by persons who required first to inspect maps of the district, so that they might select their lots. Of course, there were no maps which would enable them to do that; and hon. Gentlemen will see that these complaints of the want of a survey are quite inconsistent with the violent attacks made against me for requiring a previous survey. I see in some papers we have recently received from Madras that they have carried out my instructions, and insist upon nothing more than marking out the boundaries, and special care being taken that there is no encroachment on lands belonging to private persons. So far from there being no demands for the purchase of land, I find that there has been a great demand in almost every part of Madras, and in four districts alone for no less than 80,000 acres. But these lands are not available for the growth of cotton, they are better suited to the production of tea, coffee, and similar plants. I should mention also that we have lately introduced into India the culture of the cinchona, or bark plant. An enterprising gentleman, who is at present a clerk in the India Office, was sent to South America for some plants, carried them out to India, and plantations of them have been established in various parts of Madras, with every prospect of their flourishing and becoming a very important feature. With regard to cotton cultivation, on a recent occasion I stated what had been done and what might be

done, and to what extent the natural demand would induce the ryots to cultivate cotton to a larger extent. The only matter in which I have had reason to think that Government interference might be useful is, that we have since learnt that a considerable drawback has been the want of gins—for those sent out from Manchester did not answer the purpose. We have sent instructions to the Bombay Government to extend the sphere of Dr. Forbes's operations, who is the superintendent of the gin factory, and to employ other officers for a similar purpose in other parts of the country. When the question of measures for increasing the production of cotton was discussed here, no practical suggestion of any sort or kind was made differing from what has been actually done, nor have I received any from the gentlemen from Manchester whom I have seen. I should be glad of any suggestion, though I myself do not believe it is possible to offer any. I believe the Government have done all that can be done, but I can assure my Manchester friends that the Government will spare no possible exertions to stimulate the production of cotton. It may be remembered that a matter which used to excite frequent discussion here was the question of the salt duty. The Government of India were asked to do first one thing and then another; they left the matter alone; and the result is this:—In 1842-3 the native salt was 4,700,000 maunds, and the English salt 892,000 maunds—altogether 5,592,000 maunds. In 1862-3 the native salt had fallen to 1,800,000 maunds, while British salt had risen to 6,054,000 maunds—in all 7,854,000, a total increase of 40 per cent. The importation of English salt in the twenty years had increased sevenfold. The natives at first had great prejudices to overcome, but at last they had come to prefer clean salt to dirty salt. To give an illustration of the advantage of railways I may mention that of 1,220,000 maunds of salt sold at the Madras dépôt, as much as 1,000,000 went by rail into the interior. I may refer shortly to the Indian debt, which has been reduced by about a million in India and by one million and three-quarters in England, and we propose to make some changes in regard to debentures. About £5,000,000 of debentures become payable in October, and £3,000,000 in April next. We deem it, however, very desirable to create stock at a lower rate of interest than is now paid, and we have therefore resolved to

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issue some new stock at Four per Cent redeemable at the end of twenty-five years. It will be offered in the first instance to the holders of debentures which are about to expire; and if they will not accept it, they will of course be paid off. Thus I shall either establish a considerable amount of Four per Cent stock, or reduce the debt by paying off existing debentures. The great object we have in view is to place the credit of the Indian Government on a sound footing. The best way to do that is to prove that we are acting in good faith, by never borrowing except when it is really necessary, and by paying off our debts whenever we have the means to do so. We have shrunk from nothing that appeared to be desirable for the improvement of the country, and finding ourselves in the possession of a surplus we have thought it best to apply it to the reduction of the public debt. I trust that the statement I have made will be regarded as satisfactory by the Committee. Throughout the length and breadth of India we hear of a progress and prosperity which must be deeply gratifying to all who have the interests of that country at heart; and from all quarters I receive assurances of the contentment and loyalty of the people. Although the material improvement has been owing to the development of the natural resources of India, still I believe that the measures which have been proposed by the Government and passed by Parliament have contributed not a little to this very satisfactory state of things. The natives have been admitted to the highest positions. They have been placed in the Council of the Governor General, on the Bench, and in other situations of high trust and dignity. The people are now, I hope and believe, convinced that India is governed by us for the benefit of the great mass of the population. In referring to these results I should not be doing justice to my own feelings if I did not express my obligations for the assistance I have derived from my Council and the support which the House has uniformly afforded to me. In conclusion, I now beg to move the following formal Resolutions, both as regards the legislative measures which I have submitted for its sanction, and for its general approval of the administrative measures in India, which have been at various times brought under discussion within these walls:—

"1. That the total net Revenues of the Territories and Departments under the immediate con-

trol of the Government of India for the year ended the 30th day of April 1862, amounted to £3,217,369 sterling, and the Charges thereof, for the same period, other than Military Charges, amounted to £2,991,607 sterling.

"2. That the total net Revenues of the Bengal Presidency, for the year ended the 30th day of April 1862, amounted to £11,086,945 sterling, and the Charges thereof, for the same period, other than Military Charges, amounted to £2,134,301 sterling.

"3. That the total net Revenues of the North-Western Provinces for the year ended the 30th day of April 1862, amounted to £5,998,649 sterling, and the Charges thereof, for the same period, other than Military Charges, amounted to £1,806,575 sterling.

"4. That the total net Revenues of the Punjab, for the year ended the 30th day of April 1862, amounted to £2,673,786 sterling, and the Charges thereof, for the same period, other than Military Charges, amounted to £1,257,805 sterling.

"5. That the net Revenues of the Territories and Departments under the immediate control of the Government of India, of the Bengal Presidency, of the North-Western Provinces, and of the Punjab, together, for the year ended the 30th day of April 1862, amounted to £32,951,648 sterling, and the Charges thereupon, including the Military Charges, amounted to £15,558,194 sterling, leaving a surplus available for the general Charges of India, of £7,393,454 sterling.

"6. That the total net Revenues of the Madras Presidency (Fort St. George), for the year ended the 30th day of April 1862, amounted to £5,935,140 sterling, and the net Charges thereof, for the same period, amounted to £5,905,809 sterling, leaving a surplus available in the above Presidency, for the general Charges of India, of £19,331 sterling.

"7. That the total net Revenues of the Bombay Presidency, for the year ended the 30th day of April 1862, amounted to £6,844,274 sterling, and the net Charges thereof, for the same period, amounted to £4,688,446 sterling, leaving a surplus available in the above Presidency, for the general Charges of India, of £2,306,828 sterling.

"8. That the total net Revenues of the several Presidencies, for the year ended the 30th day of April 1862, amounted to £35,721,062 sterling, and the Charges thereof amounted to £28,003,449 sterling, leaving a surplus Revenue of £9,718,613 sterling.

"9. That the Interest on the Registered Debt of India, paid in the year ended the 30th day of April 1862, amounted to £3,134,897 sterling, and the Charges defrayed in England, on account of the Indian Territory, in the same period, including Guaranteed Interest on the Capital of Railway and other Companies, after deducting net Traffic Receipts of Railways, amounted to £6,634,344 sterling, leaving a deficiency of Indian Income for the year ended as aforesaid, to defray the above Interest and Charges, of £50,628 sterling.

COLONEL SYKES congratulated his right hon. Friend (Sir Charles Wood) on the satisfactory Report which he had been able to make as to the state of India, and particularly in respect to its financial condition. The right hon. Gentleman de-

served much credit for his policy in admitting the Natives to positions of honour and trust, in confirming the princes, nobles, and gentry of India in their hereditary rights, and enabling them to hand their principalities and estates down by adoption. That single act had done more to inspire confidence in the people of India in the British Government than any other thing that had been done by the Government within his memory. He also gave the right hon. Gentleman credit for his policy in disposing of the waste lands for the public benefit; but the power of the Government was limited in this respect—as these lands belonged to the village communities, and it was only lands lying beyond village boundaries, with few exceptions, to which the Government could fairly lay claim. The financial prospects of India must cause great satisfaction to his right hon. Friend, for during the mutiny, and subsequently, they were a cause of uneasiness; for though India never had cost England hitherto one shilling, there seemed a probability of England being necessitated to come to her relief. But his right hon. Friend might recollect that in 1859, he (Colonel Sykes) put a pamphlet into his hands on the *Past, Present, and Prospective Financial Condition of British India*, in which a strong opinion was expressed that the annual deficits must be made to disappear by vigorous but prudent retrenchments in the military expenditure; and happily these views had been realized by the indefatigable and judicious labours of Colonels Jamieson, Balfour, and Burn, respectively, of the Bombay, Madras, and Bengal armies, constituting a Military Finance Commission, who by their reductions had converted a deficiency into a surplus in a shorter time than he (Colonel Sykes) had ventured to hope for. Not only his hon. Friend owed a debt of gratitude to these able officers, but the taxpayers of India were equally indebted to them, and the country would expect that the great services of these officers, now that the Military Finance Commission was abolished, would be suitably recompensed. He (Colonel Sykes) could have wished that his observations had here terminated with expressions of approval; but the Report of the Royal Sanitary Commission, at the head of which was Lord Stanley, upon the health of the European troops in India, called for some observations in a tone unfortunately not commendatory. The Report of the Commission reviewed the vital

statistics for a period exceeding eighty years, and he greatly feared that the soundness of its conclusions was not to be disturbed by the happy accident of a recent diminished mortality. Such favourable anomalies as had been relied on by his right hon. Friend had often occurred in the death-rate since the year 1800. The Commissioners reported that every 100 men sent to India required eleven recruits annually to keep up the number. An army of Europeans in India, numbering 85,856 men, required 10,000 recruits annually, one-half the recruits died in five years, and the recruits of the year lost 10·75 per cent within the year. No less than sixty-nine per 1,000 of our troops had perished in India every year; and a company out of every regiment was sacrificed every twenty months. Those companies faded away in the prime of life, leaving few or no children, and they had to be replaced at a great cost by successive shiploads of recruits. It was shown, in a table prepared by Dr. Farr, that of 100,000 men sent to India only 43,344 remained in the ninth year, and that in the twentieth year there were only 9,604, out of the 100,000, which 9,604 died in that year at the rate of 12 1-10th per cent. This was a lamentable destruction of men between the ages of twenty-one and forty-five years of age, and these results were the average of the experience of nearly a century; but notwithstanding these circumstances, we had been increasing the drain of men from this country. In 1856 the number of commissioned officers of European regiments in India was 5,996, and the number of non-commissioned officers and men 39,108. In 1861 the number of commissioned officers was 8,324, and the number of non-commissioned officers and men 75,759, the increased number of Europeans therefore 40,979. The consequence of the increase in the number of European troops in India was an increased sacrifice of human life amounting to 4,023 annually; that was to say, whereas before the mutiny 45,104 men and officers, at the rate of eleven per 1,000 to supply vacancies, including invaliding, required 4,310 men annually, in 1861, with 86,083 men and officers, 8,333 men were required to fill vacancies, including invaliding, 4,023 more than were required in 1856. This lamentably increased waste of youthful British blood and sinew was occasioned by our distrust of the loyalty of the remaining native troops in India—a distrust for which

*Colonel Sykes*

there was no just grounds if we weigh carefully the conduct of the great majority of the native troops during the period of the mutiny of the Bengal army. Fourteen regiments of the Bengal army were not led astray by their comrades, and remain embodied to this day in the Bengal army. The Madras army remained loyal to a man, and in the Bombay army there were only two regiments in which a disposition was manifested to mutiny, and the majority of the men in these two regiments were of the same high caste—Brahmins and Rajpoots—and drawn from the same locality as the Bengal sepoys. They had the testimony of the right hon. Gentleman himself, that the native princes and gentlemen generally remained loyal, and the people at large showed little sympathy for the mutineers. By what troops had we won India? The British had never been one to seven as compared with the Native troops in action. The European troops had been, in fact, auxiliaries, and for a century our sepoys had loyally fought for us. Was it fair, then, to withdraw our confidence from men who had heretofore done us such good service? He was greatly afraid also that the conversion of the old Native veteran soldier of India into a military policeman, which was the prospect before him as an irregular, would plant in the hearts of those soldiers a feeling of deep dissatisfaction. They would look upon their new position, as irregulars, as a degradation, and it would needlessly estrange them from the Government. In a recently published pamphlet, Major-General George Malcolm, a distinguished Indian officer, said that the service was becoming less popular with the Natives, and was rapidly losing its respectability. The financial result of the great increase of the European army in India was also a very important one. In 1856 the military charges in India, including the Indian navy, amounted to £11,463,775, whereas in 1862 they were £14,368,093, showing an increase of £2,904,318. That was in spite of the reduction in the native army, which in 1856 consisted of 235,221 men, and in 1861 of 137,804 only. The saving by the reduction of the Native army was £1,948,340, but the increased charge for European soldiers was £4,023,000, so that the substitution of Europeans had occasioned an annual increased charge of £2,040,660. Again, in 1856 the home charges amounted to £3,374,179, while in 1862 they were £5,209,264. Each

European soldier in India cost £81 12s. 8d. per annum, exclusive of £13 3s. for barrack accommodation, but including all extra charges. The cost of a European soldier in India was about £104 per man. The Native soldier did not cost more than two rupees, or 4s., for barrack accommodation; that was to say, he was allowed two rupees per annum hutting money, and he huddled himself or built his own hut in the lines. Complaints had been made of the defective barrack accommodation for the European soldier; but in truth in some parts of India a barrack was a palatial edifice, and the utmost attention was paid to the comfort of the soldier. Ventilation was effected by large fans being suspended and kept in constant motion by natives employed for the purpose. In the hot winds, fragrant grass mats were placed at every opening and kept watered, and the wind passing through got cooled. The amusement of the men was also attended to by supplying them with racket courts and tool-shops, and they were at some stations supplied with plots of garden ground to cultivate, but unhappily the precautions to preserve their health were rendered ineffectual by an uncontrollable amount of intemperance and venereal disease. He thought he had now shown, that on the ground of humanity as well as of finance it was desirable that a great diminution should take place in the number of European troops in India; and he trusted that the facts he had stated would not be lost sight of, but would save hundreds of the families of the labouring classes from the constantly-recurring pang of the death of a young relative amongst the European troops in India.

MR. VANSITTART said, there was no great inducement for any one to take part in the discussion, for he had observed that while the hon. and gallant Officer was making his speech there were not more than sixteen Members present. It was not his intention, therefore, to occupy the House for more than a few moments. One of the most satisfactory features connected with the financial statement of the Secretary of State was that it was unaccompanied by a narrative of one of those painful controversies between himself and the Commissioner of a minor Presidency, or between himself and the Indian Minister of Finance, which in so much detail had, on former occasions, formed part of his annual expositions. The Indian Government might also be congratulated on the

condition of its finances, and on its transition from chronic insolvency to restored public credit. That result, he believed, was mainly due to that indefatigable public servant Mr. Laing, who lost no time, on succeeding to the late Mr. Wilson, in remedying some of the mischief which that gentleman inadvertently occasioned by his endeavour to assimilate the taxation of India to that which prevailed in this country. Foremost among the objectionable taxes imposed by Mr. Wilson was that most odious of all imposts, the income tax. Looking to the flourishing state of the Indian revenue, and considering the fact that those people residing in this country who had money remitted to them from India—of whom he was not one—were subjected to a double income tax, it was to be regretted that Sir Charles Trevelyan did not sweep the tax away altogether, instead of dealing with it in a peddling way by making a reduction of one penny.

SIR CHARLES WOOD: I find that I made a mistake; the reduction is one per cent.

MR. VANSITTART said, that a reduction of one per cent did not make much difference in such a tax. He was persuaded that the income tax might have been dispensed with altogether if Sir C. Trevelyan had retained the salt monopoly for a short time longer. During his stay in India he had never heard a single word of complaint from the natives against the salt tax, and he was afraid that the imposition of a heavy excise duty upon the manufacture of salt would make the natives believe that we had been actuated solely by a desire to promote British interests, for it was quite impossible that the native salt could compete with Cheshire salt. It was satisfactory to know, however, that the Indian Government had been able, not only to remit taxation, but to reduce expenditure by many millions. The Home Government should also take care to co-operate with the authorities in India, and endeavour to effect a corresponding reduction in the expenditure in this country which had frequently been denounced as excessive. He had no further observations to make, except, that although, no doubt, the utmost tranquillity prevailed in India, and railways were being rapidly constructed there, he yet hoped that Her Majesty's Ministers would not fall into the same fatal error as they committed in 1856. It would be well for them to pause before, in order to carry on certain military opera-



tions in New Zealand and Japan, they reduced the European force in India to a point which would again imperil the safety of our countrymen and countrywomen who were scattered over the numerous and remote stations of which India was composed.

MR. GREGSON said, he could not see how the native manufacturers of salt in India were placed in an unfavourable position as compared with the Cheshire salt manufacturers, who had to transport their commodity over 15,000 miles of sea. The duty on salt was  $3\frac{1}{2}$  rupees, or equal to 6s. 6d. per maund. The invoice cost of that article was 4d. per maund, and the import duty on it amounted to about 1,700 per cent. He hoped that the Government would take an early opportunity of reducing the duty on salt, for the benefit both of the people of India and the manufacturers. It was essential that that great population should be supplied with such a necessary of life at a very small price. He rejoiced to have the admission of the hon. and gallant Member for Aberdeen that 97,000 natives had been relieved from service in the army, and had found employment in other and more peaceful pursuits. [Colonel SYKES: "No!"] At all events, the hon. and gallant Member sought to show that the natives of India were more disposed to engage in agriculture than to enter the army. The right hon. Gentleman's Budget was substantially a prosperity one. The accounts, however, were only brought down to April 1862. Surely, with the rapid communication existing with India, it might have been possible to bring them down to a date at least six months later. With regard to the income tax, he could not help thinking that it would have been better if the Indian Government had not yielded to clamour in reducing that tax before the expiration of the period for which it had been imposed. He would also warn the right hon. Gentleman against relying upon the continuance of so large a revenue from opium as seven millions. A few years ago the tax on opium produced only three or four millions, and it must always be a precarious source of income. The surplus was very satisfactory, but he found that the increase of expenditure had kept up a very even pace with the increase of revenue. He quite approved what had fallen from the right hon. Gentleman in respect to surveys. It might not be expedient that the surveys made in India should be conducted on the high scale

adopted for England, but accurate maps ought to be prepared, which would give the requisite information to persons desirous of purchasing land there. With regard to encouraging the cultivation of cotton or any other article in India, what was wanted was that the growers should have a reasonable prospect of fair and steady remuneration for their produce. He was glad the import duties had been reduced, and he hoped he should be supported when next Session he called attention to the fact that sugar—one of the most important products of India—was taxed, not 5 or 6, but 50 or 60 per cent.

MR. KINNAIRD said, he would not have addressed the House but for the speech of his hon. and gallant Friend the Member for Aberdeen (Colonel Sykes), who seemed to have forgotten the whole lesson of the Indian mutiny when he complained of the increase of the European force in that country. No doubt the mortality in the Indian army had been great; the mortality in our army at home had also been great; but he trusted, by the adoption of proper sanitary measures, it would be greatly reduced. Increased security was given to India by keeping up there a powerful European force. The results which had been anticipated on that account were already beginning to appear. The natives of India, instead of looking to employment in the native army, were betaking themselves to agriculture, and that in itself was a most hopeful symptom. He congratulated his right hon. Friend on the growing prosperity of India. That was mainly owing to the encouragement of public works, which gave increased employment to the people. He trusted, therefore, that the Government would not only continue that system but do what they could to encourage private enterprise in works of irrigation and other permanent improvements. Such a course would promote the employment of native capital, and be an additional security for peace. When Government undertook any work; the natives merely looked on, but in private enterprise they would be induced to join, and thus a new interest in the welfare of the country was created. Companies and individuals, by leading them to invest their money in public works, also did a great deal to promote the permanent peace of the country. He was glad to learn that there was to be an increased grant for education. The natives had expressed a great desire for such a grant,

and he believed the measure which his right hon. Friend had introduced for an improved system of education in India was one of the greatest social benefits to that country that had ever been adopted. He hailed with great satisfaction the results of Parliamentary Government for India; and he trusted his right hon. Friend by continuing the same wise policy which he had hitherto adopted, would not only save the revenues of India, but secure the confidence and affection of the natives, which would be a great source of strength to the country.

MR. BÜXTON said, he hoped the Government of India would continue to give their attention to the question, whether the European force maintained in that country might not be still further reduced. His hon. and gallant Friend (Colonel Sykes) had given the weight of his great experience in favour of that reduction; but the European force in India had mounted up from 45,000 to 83,000 or 84,000 men. The native army, which it was conceded was the only source of danger, had been greatly reduced. The railways had doubled our military power; we had now also the telegraph; the arsenals and depôts were in the hands of European troops, and we had far better artillery than before. The Enfield rifle was generally introduced among our troops, and we had therefore in every way far better means of quelling an insurrection, and far less reason to apprehend one. A further reduction in the number of European troops might, then, with safety be effected. He was glad to hear that the statistics did not bear out the distressing reports that had reached this country. But still the mortality had been most serious, and it was deplorable to think how many of those who did return from India suffered for the rest of their lives from disease contracted in that climate. Again, as each soldier was said to cost £100, the reduction of the European force would save the revenue of India, and thus enable the Government to apply themselves still more vigorously to public works.

MR. BAZLEY said, he believed the statement of the right hon. Gentleman, showing the financial success of his measures, and the enlightened policy he had enunciated, would be received by the country at large with feelings of great satisfaction. He was glad that some hope was held out to Lancashire, which had been suffering great distress. They had been

deprived of the raw material, which had supported in comfort the great mass of the manufacturing classes in the north; but, without the aid of the Government in affording facilities for the supply of cotton from the East Indies, he feared the calamity and distress felt in that district would be greatly prolonged and increased in intensity. He therefore entreated the right hon. Gentleman to do everything in his power to develop the resources of India, and thus relieve the industry of Lancashire. He thought the Indian accounts might fairly be presented to the House sooner than almost the last week of the Session. He would suggest to the right hon. Gentleman that he should introduce a new item into the accounts, to enable the country to judge of the magnitude of the investments in reproductive works. He believed that such a statement would produce greater confidence to the public, and induce them to place their capital in Indian investments. With the railways in progress, about sixty millions had been invested in the means of communication, but, instead of 4,500 miles of railway, he believed that ten times that amount was really required in that country, besides works of irrigation, and the improvement of river navigation. If the policy so ably enunciated by the right hon. Gentleman were practically adopted, it would, no doubt, greatly advance the prosperity as well of India as of this country. He therefore hoped the right hon. Gentleman would take every step in his power to emancipate the cotton trade from the necessity of relying upon slave labour for their supplies of raw material. Allusion had been made to the force employed in the suppression of the slave trade, but he did not think a wiser economy could be practised than that of suppressing slavery by superseding the work of the slave by free labour. India, he had no doubt, was capable of producing the supply of cotton that the English manufacturer required; and by allowing land to be taken at reasonable prices, and by affording the irrigation to which the Secretary of State had referred—for irrigated land yielded four or five times the crops of lands which had not that advantage—he believed that such result would be promoted.

MR. AYRTON said, he was surprised, after the debates that had taken place during the Session, to hear the hon. Member for Manchester suggest that it was in the power of the Government of India, through any measures they could adopt, to provide

for the wants of Lancashire by increasing the growth of cotton. Past debates had proved the utter futility of such a notion. It was true that great allowances must be made for persons who were suffering under such dire distress, and perhaps it was too much to expect from them a rigid adherence to the principles of free trade when a departure from those principles might seem to afford a chance of relief from such a calamity. But such suggestions were really calculated to mislead the people of Lancashire. The growers of cotton in India were receiving four times the price they had been able usually to realize, and no inducement or premium which the Government could offer to the agriculturists would be so likely to stimulate the growth of cotton as a quadrupled price. What would be the use of the Secretary of State offering premiums if such increased price had no effect; and why should he send agents through the country when there were purchasers in plenty at these advanced prices? Such suggestions had a tendency to mislead the people of Lancashire into a belief that there was a feeling on the part of some person connected with the Government of India to deprive them of the raw material which they so anxiously desired. He saw it stated about a year since that there were 50,000 bales of cotton in Central India, if anybody would buy them. That appeared to him an unjust reflection upon the Gentlemen connected with the cotton trade. The hon. Member for Manchester said that that cotton did not exist, but in the course of six months a public meeting was held in Lancashire, and then the 50,000 bales had magnified to five millions of bales, which were to be obtained if it were not for some extraordinary operations on the part of the Government of India to prevent its reaching this country. It had been put forth to the people of Lancashire that the Secretary of State was in a conspiracy to deprive them of the raw material, and such heavy charges were made against him that a Motion for his impeachment might have been looked for at the beginning of the Session. But nothing of the kind took place, and it all resolved itself into a complaint that the right hon. Gentleman had not arrived at a standard of manners which was recognised in Lancashire as the proper standard. He would, however, remind the Committee that in India the cotton agriculturist at his best was only about where the cotton grower in the United States

*Mr. Ayrton*

would abandon the cultivation. In India 100 lb. of clean cotton per acre was looked upon with great satisfaction; but if the production in the United States was only to reach that amount, the growers would abandon the land, and remove to fresh and unexhausted soil. In India the soil was much of it indifferent in quality, and the best of it had been exhausted by a thousand years' cultivation, while there was no virgin soil of the richest character ever known in agriculture to remove to as was the case in the United States. For that reason India was not capable of producing the almost unlimited quantity which America could in the event of circumstances creating a demand. Comparisons were made of the charge of conveying cotton to the ship in India and in America, and it was said, by way of contrast to the assumed cheapness of transit in America, that the cost of getting the cotton on board in India was a penny per pound. But some cotton was grown near the coast in India, and there that charge was almost nothing; and the case was exactly the same in America, according as the cotton grew on the banks of the Mississippi, or at a long distance from any water conveyance. On that point charges were made against the Indian Government, though there was really nothing in those charges. Another suggestion offered to the Government, that the resources of India should be applied in improving the water communication by the great rivers of India, was still more unfortunate. The great rivers of India could not be dealt with like the perennial rivers of this country. They were subject to enormous floods from rain, when they would sweep everything before them. It was childish to talk of improving the Ganges for example, which in its course would take away a man's estate at night, and land it somewhere else in the morning. These rivers came scouring down their beds with immense force for hundreds of miles after the rains; and then for six months not a drop of rain would fall, and, instead of being perhaps forty or fifty feet deep and a mile broad, nothing was to be seen but a stagnant piece of water. Of course, as engineers said, money might do anything; but millions of money would be needed to make one of these rivers navigable. The hon. Member for Stockport pined his faith to the Godavery, and wished the Government to authorize the outlay of large sums in improving the navigation of that river. Now, the Godavery had a large

delta, and its course lay through a hilly region above. No doubt at the delta the navigation of the river was capable of improvement, because the country was flat; but the great problem put before the Government was to make the river navigable in its course through the hills. The more the scheme was investigated, the more impracticable did it appear. Men of great judgment in India—except the engineer who had charge of the works—were now persuaded that there could be no greater waste of the public resources than the attempt to make that great mountain torrent, running through a large extent of wild, jungly country, without population, a navigable stream; and they were seeking how with a decent amount of self-respect, they could retire from the agitation promoted by the hon. Member. The Government had done enough to satisfy such demands, and must come to the conclusion that their works could not be carried with advantage beyond the delta of the Godavery. Eighteen years ago he formed an association in Bombay for the purpose of inducing the Government to guarantee the funds requisite for making a railway from that port to the great cotton-producing districts of India. At that time gentlemen in Lancashire did not interest themselves much in these proceedings, and were satisfied to continue their dependence upon the United States for cotton. Nevertheless the association pursued their inquiries, and were ultimately able to take by the hand a company, and propose to it those lines of railway which in the course of a few years would be completed. Gentlemen in Lancashire made it a reproach that they were steeped in Indian railways. Now, railways were the greatest boon that had been or possibly could be conferred upon India. It was sometimes said in this country that our free-trade policy was the sole source of the increased enterprise and wealth and industry of England. But he should be prepared to maintain, in the face of all the representatives of Lancashire put together, that railways had done four or five times as much in developing the wealth and industry of this country during the last twenty-five years as could be done by any number of fiscal or financial measures. He believed that they would produce the same great results in India. Talk of fiscal remission of 1*d.* or 2*d.* as bringing about a great development of trade; why, for every 1*d.* or 2*d.* thus

reduced a railway lessened the cost of goods by 1*s.* or 2*s.*, by reducing the cost of conveyance. When, therefore, it was said that nothing had been done for the improvement of India and the development of her resources, his answer was that the Government had done immense things by aiding the construction of thousands of miles of railway there through districts which otherwise, for all commercial purposes, would have been practically inaccessible. And they were beginning to feel the effect of what had been done in the improved revenue which was now being produced in India. It had been suggested that the production of cotton was kept back by the terrible state in which the Government kept the owners of land. Now, India had received for her cotton and agricultural produce in recent times some £10,000,000 more than she formerly did, and yet the land revenue of 1862 was estimated at £250,000 less than in 1861. That went to show that the production of cotton was not checked, as had been alleged, by the state in which the occupiers of land were kept by the Government, but that the agricultural interest of India had derived the sole advantage, from the increased demand for their produce. He would say, therefore, as a broad proposition, that there was nothing now in the land tenure of India which interfered in any way with the productive industry of the people. He was not there to defend the past, for no one was more anxious to see the changes which had taken place, and he was glad that the Government of India had in their own public documents emphatically stated that they had no right whatever to the soil of India; their claim was to a revenue as well settled as the income tax in this country; and as long as that was paid, the occupiers of the land were the owners in fee simple, and had a right to do with it as they pleased. That principle was to his certain knowledge upheld in the courts in India, and, when forgotten, on appeal by the Privy Council in this country. It might be thought that the Secretary of State had said the contrary; but though the form of expression might be different, he had no doubt the right hon. Gentleman would admit that in substance his statement was correct.

Turning to the revenue he regretted very much, that while there was an improvement in the revenue of India, there was not a corresponding improvement in the condition of the people. Some people seem to think

that the consumption of ardent spirits or substitutes for spirits was beneficial to the people; but it was remarkable that the two great religious communities into which the inhabitants of India were divided—the Hindoos and Mohammedans—were so satisfied of the injury to health and morals from alcoholic drinks that it was a fundamental principle with them not to drink any, though there were low-caste Hindoos and Mohammedans who did not hold themselves bound by that obligation. He was sorry to see that the revenue from abkarry had considerably increased. Unfortunately the Government saw in it a great source of revenue, and he feared they were disposed to encourage its consumption. Coming next to the assessed taxes, he could not help feeling how difficult it was for England to govern India and do justice to the great body of the people. The income tax was obnoxious to the Europeans in India and other classes who were best able to pay it, and the consequence was that that tax, which was a most just one when not carried too low, was made a subject of agitation by those who could unfortunately best make themselves heard; and he feared the Indian Government had not the moral courage to resist the pressure which would be brought to bear, and to maintain the tax as it ought to be maintained. He should regret if the tax were taken off the rich, but should rejoice if persons of small incomes were exempted. What was to be thought of our administration when we were increasing the tax upon salt in order to reduce the tax upon the incomes of the rich? The tax on salt in this country was a most obnoxious one, and was, he believed, the first of the indirect taxes that was repealed. In times past the people of Cheshire used to feel a great anxiety about the sufferings of the people of India from the tax upon salt, but somehow or other since arrangements had been made by which salt from Cheshire was imported into India, though at a considerable duty, that great anxiety had subsided, and was not likely, after the speech of the right hon. Gentleman, to be ever revived. There never had been a salt monopoly in Bombay as it existed in Calcutta, and therefore his hon. Friend (Mr. Vansittart) was hardly justified in the remarks which he had made on this subject. Salt might be produced in Bombay cheaper than it could be imported from Cheshire; and as soon as the railways by which salt could be taken from the coast were completed, the people

of India would be supplied by their own production, and it would not be necessary to import it. He could not but regret that the salt duty was to be kept up to so large an amount, as it pressed very severely upon the poorest people of India. When he saw the efforts which were made to induce the Government to remit the taxation of the rich, and when that could not be done except by increasing the duty upon salt, he felt considerable misgivings. In connection with the question of opium, the House was in great danger of running into an extreme the opposite of that into which they had fallen on former occasions. It was the first time they had a very considerable surplus; and when that went forth, there would, he feared, be a disposition on the one hand to increase the expenditure of India, and on the other to yield to the demands of powerful parties for a remission of taxation. The right hon. Gentleman would do well to remember that the revenue from opium was derived from an agricultural product, which was sold only to a foreign consumer, and was therefore exposed to the double contingency of the seasons in India, and the political condition of China. They had witnessed the failure of the potato crop in Ireland and the vine crop in France; and it was therefore the duty of the Government to regard the revenue from opium as precarious, and not to indulge too much in a feeling of security, seeing that so large a portion of the general revenue depended on that single item. He was glad to see that the military expenditure had come back to its normal condition. Having read very carefully the Report upon the sanitary state of the European troops, he thought there was great truth in the observations of the right hon. Baronet that its conclusions were derived too much from mixed causes, which ought to have been carefully sifted and separated. Within the last two or three years—indeed, ever since the mutiny—the circumstances of the army had been undergoing such rapid and successive changes that general conclusions must necessarily be fallacious. He was glad that the anomalous and expensive Indian navy had been put an end to. It was a force much petted by the East India Company, but it was absurd to prevent officers of the regular navy from taking their turn of service there, and acquiring information as to coasts and harbours which would prove valuable in case of war. He rejoiced in the gradual but thorough

amalgamation of India with this country, and at finding that the Indian statement, once a subject of standing contention, was now a subject of universal peace and congratulation, and that those who were disposed to indulge in gloomy anticipations had thought it imprudent to attend and justify them.

MR. BAZLEY said, he wished to assure the hon. Member that much of the information with which he had favoured the Committee was incorrect. He also felt bound to protest against the calumnies regarding Lancashire which the hon. Gentleman had uttered.

SIR CHARLES WOOD said, he was glad to perceive that, on the whole, satisfaction was generally expressed with the statement it had been his duty to submit to the Committee. In reply to the observations which fell from different hon. Members, he desired to say that those who knew India best were of opinion that no great reduction of military strength below the existing amount could safely be made at present. The sanitary condition of the troops had very greatly improved; but, of course, every pains would be taken still further to diminish the rate of mortality. It could not be said that the salt monopoly had been put down; it had put itself down, the Government finding that it was no longer of pecuniary advantage. There had also been concessions as to the land revenue, and a large expenditure upon public works. These combined advantages, it was hoped, would largely improve the condition of the people of India; but it was evident that the Government must look for a return, in some shape or other, for the contributions thus made towards the advancement of India. That return, he believed, would be obtained in the increased amount of land brought under cultivation. In the importance of extending education among the native population he quite agreed; large grants had been appropriated for the purpose by Sir C. Trevelyan, whose interest in the subject was well known. The exertions of the railway companies in the Presidency of Bombay to complete the railway communication were most active. They would soon have lines running directly into the cotton district. Of the Godavery, unfortunately, every fresh survey increased the estimate of the outlay requisite to improve its navigation; but there could be no doubt that outlay on this route would be attended with advantages, and he

did not shrink from any expectations on that score which he might heretofore have held out.

MR. AYRTON asked when the Act of the Legislative Council would be laid on the table.

SIR CHARLES WOOD said, that there was no provision that these Acts should be laid on the table, but that they were, he believed, all in the library.

Resolutions *agreed to*.

House *resumed*.

Resolutions to be reported *To-morrow*, at Twelve of the clock.

#### BRITISH COLUMBIA BOUNDARIES

BILL (*Lords*)—[BILL 187.]

COMMITTEE.

MR. CHICHESTER FORTESCUE, in moving that the House should go into Committee on the Bill, stated, that its object was to extend the boundaries of British Columbia to the north, so as to include a tract of country in which there were indications of rich gold veins, and to extend till the end of next Session the Act of 1858, under which the Colony was constituted. Hitherto the executive and legislative government of British Columbia had both been carried on by the Governor; but within the last few months, Her Majesty had exercised the power which was reserved to her by the Act of 1858, and had by Order in Council created a Legislature. His noble Friend the Secretary of State, having to decide whether he should introduce representation into the system, had, considering the circumstances of the country, in which there was but a small fixed and a large fluctuating population, many of the settlers not being British subjects, decided that for the present such a step would not be expedient. The Order in Council created a legislative council, on the model which had been established with success in other Colonies, and more closely following the legislative council of Ceylon than any other which he could mention. That council would consist of fifteen members—five of the principal officials of the Colony, five district magistrates, taken from different portions of it, and five independent members, whom the Governor was instructed to select from different districts of the Colony, with the view of choosing such gentlemen as might be pointed out by their respective neighbours as deserving the confidence of the population, and capable of representing their interests and views in



the legislative council. Another important change which it was proposed to effect was that the Colony should be completely separated from Vancouver's Island, and should be ruled by a resident governor of its own. That was a point on which he was ready to admit considerable difference of opinion prevailed. His noble Friend at the head of the Colonial Office had felt anxious to unite the two colonies if possible, believing that an increase of their strength and resources would be the result, as well as an enlargement of the field from which the members of a united Legislature should be selected. The obstacles, however, in the way of the adoption of that course were found to be insuperable, as it was thought that the interests of the two Colonies were different, and in British Columbia there was a strong feeling, if there was but one Government, their interests might be sacrificed to those of Vancouver's Island. It had therefore, upon consideration, been deemed the wisest course to take to give each Colony a separate governor. He had every reason to think that the arrangement proposed, which was avowedly of a temporary character, would give great satisfaction to British Columbia, and would, on the whole, meet the views of the most enlightened portion of the colonists. It must not, he might add, be supposed, that under the comparatively rude government under which she had hitherto existed, British Columbia had not made considerable improvement. The progress of that colony had, on the contrary, been most remarkable. In the midst of a motley population, there had been a singular observance of law and a remarkable absence of crime. The miners appeared to be well satisfied with the mining laws under which they worked, and which gave them a large power of making regulations for their own benefit; and the land system, moreover, which had been introduced, had given great satisfaction to the permanent settlers. The original price of land in Vancouver's Island was fixed by Lord Grey at £1 an acre, which was well known to be the Australian charge; but that price it had been found impossible to maintain in the face of the competition in the United States, where land was sold at a dollar an acre. He was therefore happy to say that the £1 an acre system had been put an end to, and that land could now be obtained in British Columbia on as easy terms as to price and immediate occupation as was the case in the neighbouring territory of America. He might further observe,

*Mr. Chichester Fortescue*

that the success which had attended the exertions of Governor Douglas in the construction of roads had been most remarkable. In all young Colonies the construction of such works was of great importance, but in no colony was it, he would venture to say, of such vital interest as in British Columbia, as the gold regions were separated from the coast by mountain ranges which could be only traversed by roads, the Fraser being in that part of its course unfit for navigation. Impressed with the conviction of the necessity of roads, Governor Douglas had devoted the whole available revenue of the colony to the purpose, and the consequence was, that there was now no less than 1,000 miles of road being constructed, penetrating into the interior of the country, and bringing the necessaries of life within the reach of the mining population at comparatively reduced prices, instead of those famine prices which had until lately prevailed, and which had the effect of driving miners back to the coast to avoid actual starvation. The effect of those measures had been to encourage the immigration of miners, and also the taking up of land for the purposes of permanent settlement. Another result had been that the revenue of the Colony had risen during the last year by about £100,000, and thenceforward the Colony would, he hoped, disappear from the Votes of that House, as no more money from this country would be wanted. In fact, he believed there never had been a colony which cost this country so little as British Columbia. An event had lately happened which had excited much attention in this country, and would have a great influence on the future prospects of the Colony. There had been a transfer of shares from the greater number of the old proprietors and directors of the Hudson's Bay Company to new proprietors and new directors, and among the objects aimed at by the new company was the construction of postal and telegraphic communication between British Columbia and Canada, across the Rocky Mountains, to which his noble Friend the Secretary of State attached the greatest importance. The Government hoped and believed that the company, under its new direction, would not lose sight of that great object; and they had the assurances of the eminent chairman, Sir Edmund Head, that their attention would be directed to the settlement of the country, and to opening communication across the Continent. The last letter of the company

announced that they had directed a very able and energetic gentleman, Mr. Watkin, to proceed from Canada to the Red River, to make himself acquainted with all the circumstances of the country, and to report on his return as to the best means of carrying out the great scheme of passenger communication between Canada and British Columbia. He thought they might look forward to a not very distant time when British Columbia would be far more accessible than at the present moment, when the British element in the population would rapidly increase, and when it would be one of the most powerful and prosperous, as it was already one of the most interesting Colonies under the British Crown.

MR. WYLD said, it was very late in the Session to deal with a measure which was of so much importance in view of the great events which were happening in America, and which must have an effect upon our own possessions. He was glad the Bill was to remain in operation only for one year, because he was sure the Government of Vancouver's Island could not last longer. Although the hon. Gentleman had given the House such a glowing account, the fact was, that the success of the colonies of British Columbia and Vancouver's Island had not been as great as it would have been under better management and a better constitution. The Hudson's Bay Company had exercised too much influence over the Colonial Office; and, as an instance of it, of the fifteen members given by the present constitution to Vancouver's Island twelve were the nominees of the company. In the two Colonies of British Columbia and Vancouver's Island the population, instead of increasing, had decreased. The total population was 12,000, and it was proved that although large numbers went temporarily to search for gold, they did not become settlers and colonists. The grievances of the people were such that they had sent two delegates, Mr. Cameron and Mr. MacLure, to this country, with a petition which the governor had not transmitted; and although, in the technical language of the Colonial Office, these gentlemen were not sent "officially," they represented the largest public meeting ever held in the island. The maladministration of the finances of the Colony had been unparalleled, and there had been defaulters in almost every department. The amount of their defalcations was enormous. In

1858 a gold commissioner absconded with many thousand dollars; in 1862 the postmaster absconded with large sums; then the treasurer of the colony was convicted of embezzlement; a bankrupt draper from Perth, who had been insolvent in Demerara, having been appointed Chief Justice, was arrested for debt and mysteriously liberated, and had escaped to the adjoining American provinces; and the chief police clerk had run away with a large sum of money. There was hardly an official who did not retain a large grant of land for his own benefit. The people were loyal, and there was a strong feeling in favour of the Sovereign of these realms; but the people saw a better Government under the United States in neighbouring territory, and far less corruption. He gave credit to the Duke of Newcastle for the attempt to form a road to the Pacific. There was no scientific man who would not feel interested in the proposed line of communication which it was intended to effect across the continent, and the communication with China; but he thought those communications should never be carried out by the Hudson's Bay Company, who had ever sacrificed the public to their own interests. The pretensions of the company, he believed, were not legally sustainable. As he understood, the noble Duke at the head of the Colonial department proposed to grant to the new company a million acres on a portion of the land proposed to be traversed by the telegraph, but he was undertaking a great responsibility, seeing that the country along the Red River was occupied by hostile Indians. He was afraid, if the Colonial Office guaranteed this extent of country to the new company, that it would lead to great trouble and expense, and probably to Indian wars. In putting an end to the Hudson's Bay Company the noble Duke had done good suit and service. The deputy chairman of the Hudson's Bay Company was the sole agent for the fur traders of New York. The company was connected with the *Crédit Mobilier*, and with the German settlers in America, and he thought they ought not to have the sole power of granting licences to trade over the extensive territories dealt with in the Bill.

MR. AYTOUN said, he objected to the Bill chiefly on the ground of the effect it would have on the interests of the tax-payers in this country. He believed the Bill formed part of a great scheme for colonizing the western portion of North America, and for



forming a great road to connect the Atlantic with the Pacific. He believed that this intercolonial railway, as a commercial enterprise, was one of the wildest dreams that had ever entered into the brain of a railway engineer. The projected line passed through a most difficult country, and the work would be of a most expensive character, much more expensive than the estimate. The country was almost uninhabited, and the food for the workmen would have to be carried to them from a great distance. But even if it were carried out, it would not be a remunerative undertaking. When the St. Lawrence was closed in the winter, there might be a considerable number of passengers; but when the river was opened, there would be very few, and at no time would there be any goods. In case of war, it would be perfectly easy for an enterprising American general to cut the railway in two, so that in a military point of view, it would be of little use. The finances of the Colony were not in a position to bear so expensive a guarantee; and if the intercolonial railway were carried out in the manner projected, it would be a great burden on the Colony. Looking, moreover, to the tendency in the Colony to treat these works as Imperial matters, he was afraid that the burden of the guarantee for such a work, carried out at the persuasion of the Colonial Secretary, might sooner or later be thrown upon this country. Anything which tended to burden colonial finances must be a disadvantage to the mother country. As to the Pacific road, if it were constructed, he did not see of what advantage it would be to Canada, to Columbia, or to England. He thought the construction of such a road was premature at present, for it would have to pass through a country to a great extent without population. It might be said that this would be opening up new territory, but he did not see the necessity of the people of this country spending their money in that way. At least, we ought to wait till Canada and the other Colonies were more fully peopled before we threw away money in opening up new fields of emigration. Canada, for instance, although eight times the size of Scotland, had less population. Such a measure ought not to have been brought in at so advanced a period of the Session, when there was not sufficient time for its consideration, and when the attendance of members was so scanty. At present our military expenditure on behalf of the Colonies was very large, and was rather in-

*Mr. Aytoun*

creasing than diminishing, and the new country which was proposed to be colonized would add to that outlay, as we should probably be brought into conflict with the Indians.

*Bill considered in Committee.*

*(In the Committee.)*

*Clause 1 (Repeal of 1st Section of 21 & 22 Vict., c 99).*

*MR. CHICHESTER FORTESCUE* said, the Bill was merely for the continuance of an existing Act and the annexation of a tract of country to the North of Columbia, and did not require much discussion.

*MR. MASSEY* said, the hon. Gentleman should confine himself to the clauses of the Bill, as in Committee he could not make a general statement on the Bill.

*Clause agreed to.*

*Clauses 2 and 3 agreed to.*

*Clause 4 (Alteration of Boundaries).*

*MR. CHICHESTER FORTESCUE* said, he would move to expunge the clause, to which he did not attach any importance. It had been inserted as a matter of convenience, in case it should be found necessary to make any correction in the boundaries of the Colony.

*Motion agreed to.*

*Clause struck out.*

*House resumed.*

*Bill reported, with an Amendment; as amended, to be considered To-morrow, at Twelve of the Clock.*

#### FISHERIES (UPPER SHANNON).

##### REPORTS MOVED FOR.

*COLONEL DICKSON* in calling the attention of the Government to *Mr. Bateman's Report* on the River Shannon, said he would submit that the sum of £283,000 estimated by that gentleman as the cost of certain improvements connected with that river, should be granted out of the public funds, inasmuch as a great increase had taken place in the taxation of Ireland, and a great diminution in that of England since the time of the Union. There was great distress in Ireland, and the proposed works on the Shannon, besides being remunerative in themselves, would afford employment to a large number of people. On that ground alone, he thought the Government should not hesitate to undertake them. The hon. and gallant Gentleman concluded by moving for Copy of the Reports made by the Inspector of

Fisheries and by Mr. Forsythe, C.E., to the Commissioners of Public Works relative to the defective state of the Fish Ladders on the Upper Shannon from Athlone to Boyle.

MR. PEEL said, he was ready to admit the value of the Report, which quite justified the selection of Mr. Bateman by the Government to draw it up. The matter in dispute was the inundations from the Shannon, and it was alleged that the inundations were aggravated by the works of the Shannon Commissioners; but Mr. Bateman reported that that was not so, but that, on the contrary, the effect of these works was to mitigate them. The expense of the works necessary to remedy the evils complained of, was about £250,000. It was not the intention of Government to propose that the costs of these works should be defrayed by the country; but if done at all, they should be done at the cost of the proprietors of the land. He had no objection to produce the papers.

Motion agreed to.

Copy ordered.

"Of the Reports made by the Inspector of Fisheries and by Mr. Forsythe, C.E., to the Commissioners of Public Works relative to the defective state of the Fish Ladders on the Upper Shannon from Athlone to Boyle."—(*Colonel Dickson.*)

#### HOLYHEAD HARBOUR.—RESOLUTION.

COLONEL DUNNE said, he wished to call attention to the Report of the Select Committee on Holyhead Harbour, and to ask whether the Government intended to act upon that Report or not. It would be recollected that the Chancellor of the Exchequer took exception to the appointment of the Committee, indulging in some warmth of feeling on the subject, and he had now to state that in Committee the President of the Board of Trade adopted a most extraordinary course. When the hon. Member for Glasgow submitted a Report to the effect that the present arrangements at Holyhead were sufficient, the right hon. Gentleman was one of the only two Members of the Committee who supported that view. The course thus taken was directly contrary to everything the Government had said or done during the last two years. Both in 1861 and 1862 the Government acknowledged that great inconvenience was experienced at Holyhead, and promised to provide a remedy. He therefore called upon the Government to redeem the pledge they had repeatedly given that they would make

that landing-place fit for the accommodation of passengers.

Motion made, and Question proposed.

"That, in the opinion of this House, the Recommendations made in the Report of the Select Committee on Holyhead Harbour ought to be adopted."—(*Colonel Dunne.*)

MR. MILNER GIBSON said, there was this good reason why the Government should not give a positive assurance as to the carrying-out of any particular plan—namely, that the evidence on which the Report of the Committee was founded had not been printed, and they ought to have an opportunity of reading that evidence, to ascertain whether it entirely bore out the Committee's recommendations. The Government, however, had no wish to evade any obligations which they had undertaken in this matter, but, on the contrary, it was their intention faithfully to fulfil them. They had a distinct legal instrument setting forth what it really was that the Government had undertaken. They had stipulated to provide the necessary piers and the access to them for nothing else but the mail service. The great piers formerly contemplated were intended to provide for the transatlantic steamers; but when the proposed line of communication was given up, these piers became unnecessary for the requirements of the mail packets. His own opinion certainly was that the accommodation existing at the present time was not sufficient, but still it was found that the inferiority of the pier, as compared with those at Kingston, did not cause a delay of more than thirty seconds in landing the mails. It had also been found that during a strong northerly gale the vessels were able to come alongside the wooden jetty. It was not possible to enter into pledges and promises. The real complaint was that there was not accommodation for passengers, and on that point the Government had given no pledge whatever. Still he hoped that when the alterations, which had been contracted for by the Government, were made, good accommodation would be given to passengers. He hoped, therefore, that the Motion would not be pressed.

COLONEL DICKSON said, that promises had been so often given and disregarded in respect to these improvements, that Irish Members were anxious for some distinct pledge that they would be carried out forthwith.

MR. LAIRD said, that £70,000 had been asked by the Government for these works, and they were entitled to expect that the sum should be expended. The

Committee recommended a plan which would only cost £35,000, and his hon. and gallant Friend was entitled to ask from the Government some pledge that they mean to do something efficient.

MR. PEEL observed, that the estimate of £70,000 was for the whole works connected with the harbour of Holyhead from the beginning, £45,000 of which had already been voted in previous years.

COLONEL DUNNE said, he thought the manner in which the pledges of the Government had been disregarded in this matter was disgraceful.

Question put, and *negatived*.

House adjourned at one o'clock.

## HOUSE OF LORDS,

Friday, July 24, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Partnership Law Amendment\* (No. 250); Rum Duty\* (No. 251).

*Second Reading*—Pauper Lunatic Asylums\* (No. 245); Consolidated Fund (Appropriation)\*; Indemnity\*; Land Tax Commissioners Names\* (No. 246); Promissory Notes and Bills of Exchange\* (No. 244).

*Report*—Poisoned Grain, &c. Prohibition\* (No. 243); Removal of Prisoners (Scotland)\* (No. 200); Charitable Uses\* (No. 152); Companies Clauses\* (No. 232); Expiring Laws Continuance\* (No. 241).

*Third Reading*—Trustees (Scotland) Act Amendment\* (No. 53); Navy Prize Agents\* (No. 235); Nuisances Removal Act (1855) Amendment\* (No. 249); Union Relief Aid Acts Continuance\* (No. 236); Turnpike Trusts Arrangements\* (No. 233); Waterworks Clauses\* (No. 235); Turnpike Acts Continuance, &c.\* (No. 240); Petty Sessions (Ireland)\* (No. 242).

### EMPLOYMENT OF CHILDREN.

THE EARL OF SHAFTESBURY: My Lords, in rising to call attention to the First Report of the Children's Employment Commission (*Parl. Paper* [1671]), it is not my intention to detain your Lordships long; but I think, that after hearing the short statement which I have to make, you will agree with me that it would not have been right to allow the Session to close without your attention being called to the state of things disclosed in that Report as existing in many parts of the country with reference to the employment of children. I am sorry to stand between the House and a debate on Poland; but the facts which I am about to state are very much akin to those which we witness in

Mr. Laird

Poland. In one instance you see the evils which result from the lust of money, in another those which arise from the lust of power; and not even General Mouravieff, in the plenitude of his power at Kieff, can have inflicted more misery upon Poland and the children of that unhappy race than the commercial spirit has caused to tens of thousands, and almost hundreds of thousands, of children in England. About the year 1840 I moved for a Commission to inquire into the physical and moral condition of children and young persons employed in trades not protected by the Factory Acts. That Commission reported, and under it a certain amount of good was done. I was enabled to introduce the Colliery Act and the Print Works Act, and a Member of the other House has since introduced the Bleaching Works Act. But although the Report of that Commission disclosed some terrible facts as regarded the health and morals of the children, the country was not then ripe for propositions such as these, and the consequence was that I was very much obstructed in my endeavours to carry into effect many of the recommendations of that Commission. Since that time the mind of the country has made great progress, and the desire for the education of all classes has directed attention to the great disproportion between the number of children under instruction in this country and the number which receive education in America and other countries. The perusal of the Report to which I am about to call attention will explain this circumstance. These children of tender years are engaged day and night in the most destructive works; their moral and physical strength are absorbed by their employment, and they have neither time nor energy for the improvement of their minds. Two years ago I moved for the revival of that Commission—because some of the trades inquired into under the first Commission having become extinct, and some having become worse, and others better, it was necessary to have a fresh picture of the state of things, in order that the necessary remedies might be applied. I will refer to a few of the trades as to which the Commission has reported. The Commissioners in their first Report refer, among others, to the following works:—potteries, lucifer-match manufactories, percussion cap manufactories, paper-staining works, fustian-cutting works, and lace and hosiery manufactories. They also make observations and produce evidence upon the violation of

the Act relating to chimney-sweeps or climbing boys. I will first call attention to the potteries. The number of children between the ages of six and eighteen, generally designated as children, and young persons employed in these works in Staffordshire, is 11,000; those in other places not mentioned may amount to half as many more. Their hours of work are from half past six o'clock in the morning until half past six o'clock in the evening, and sometimes even till eight or nine o'clock. One of the reporters states, that the places in which they work are perfectly intolerable on account of the dust and the total absence of all ventilation. Many children of tender years are constantly employed in the stoves, which the Inspector who visited them says are rooms, or rather ovens, twelve feet square and from eight feet to twelve feet high. Dr. Greenhow tried the heat of three of these rooms, and found that in one the thermometer stood at 120°, in another at 130°, and in another at 148°. This is the state of places in which children work from half past six in the morning till eight or nine o'clock at night. As to the moral effect of this system, the Inspectors report the existence of all the usual disorders arising from ignorance, neglect, and vice. As to education, out of 256 children in one school 138 could not read the Testament, and 127 could not write their names. Mr. Longe, one of the Inspectors, examined in different factories no less than 243 children, of whom no less than 48 per cent did not know their letters. What is the physical effect upon these children? This is the evidence of medical men of great experience, resident on the spot. They say—

"The potters are, as a rule, stunted, ill-shaped, and frequently ill-formed in the chest. They become prematurely old, are short-lived, are especially prone to chest disease, pneumonia, phthisis, and asthma. Scrofula is a disease of two-thirds or more." "Each generation," says Dr. Greenhow, "becomes more dwarfed and less robust, and but for their occasional intermarriage with strangers this deterioration would proceed more rapidly."

So much for the pottery. I will now direct your Lordships' attention to a department of trade of which you may have heard much, but with respect to the details you may not be informed—I allude to lucifer-match making. That is an employment which began somewhere about 1833, but which at first made but little progress. About 1845, when it became more fully developed, a surgeon at Vienna discovered

that it was one of the most dangerous and unwholesome of industrial pursuits. He found that it produced a peculiar disorder affecting the jaw, which ended in what is called necrosis. The number of children and young persons between six and eighteen years of age employed in this trade is 1,800, and the general statement with regard to it is that the hours of work are frequently prolonged deep into the night. The Reports with respect to the places in which the work is carried on state that some are good, and the tendency to disease is abated; but of forty-eight of those places visited by Dr. White only fourteen were found to be tolerably safe, the others, he stated, being conspicuously the contrary. The moral effects produced upon the children engaged in the trade are, in the terms of the Report, as follows—

"The mental state of the children and young persons calls for an effort to remove a dark blot from this portion of society. It would be difficult to find an average state of intelligence so low as that exhibited by the answers to the questions addressed to these children. A very small proportion can be said to have been taught. The ignorance of a great many, indeed, considering their age, and that they live in the midst of a society keenly alive to social and political duties, cannot be contemplated without pain and sorrow."

Such is the Report of the Commission, and I now beg your Lordships' to listen to an account of the condition of these wretched children in relation to the physical effects of the occupation in which they are employed. The Report says they suffer from "the usual and various results of intense labour and bad air; but the peculiar disease is the phosphorous disease, or 'necrosis of the jaw.'"

Dr. Letheby, to whom the country is so much indebted for the great intelligence and labour which he has brought to bear on the subject, has delivered lectures on this disease, and he says, in describing its effects, that he knows it to be one of the most terrible which can afflict humanity, and that it ends frequently in death. He adds—

"The pain is followed by inflammation of the jaw, abscesses about the gums, and finally necrosis. It is in many cases followed by death, in others by the removal of the jaw by surgical operation."

Mr. Pegg says—

"The sufferings of a patient in the earlier stages of the disease, until the jaw be quite dead and exposed, are intolerable."

This evidence is confirmed by several other eminent surgeons, among them being the late Mr. Stanley. I now come to the percussion-cap manufacture, the total number of children and young persons employed

in which is, I find, 665, of whom 566 are females, there being about 150 children and young persons. The condition of these children may be summed up in the words of Mr. White, the Inspector, a gentleman who discharges his duties in the most admirable manner, and who says—

“The manufacture is very limited in extent. It is carried on mainly by female labour, including that of many young girls, and is, perhaps, the most dangerous of all general manufactures. An explosion occurred in Birmingham three days after the visit of the Inspector, which caused the death of nine persons, and wounded upwards of forty, many of whom were young girls.”

Surely such a state of things as this, existing in the case of a large number of females of a tender age, is well worthy of the consideration of the Government. The next trade to which I will advert is the paper-staining, in which the total number of children and young persons engaged is 1,150. The effects of the work are thus described—

“The labour,” says Mr. Lord, “is not in itself injurious, but it is made so by the length of overtime, being protracted oftentimes late into the night.”

Next comes fustian-cutting, in which the numbers under the age of eighteen employed is 1,563, the hours of work being fourteen hours daily, but oftentimes, “to bring up arrears,” eighteen or twenty hours. The nature of the work is described as—

“Nothing in itself prejudicial, but, as at present conducted, it is productive of the very worst results of prolonged labour, both as regards health and education.”

Then there is a very important branch of industry, which is the machine-lace finishing, which employs no less than 10,000 children and young persons in various factories. The state of the workplaces is spoken of by Mr. White as being—

“Generally injurious to health, hot and ill ventilated. He has noticed crowded places in which the space gave only 100, 92, 90, and even 87 cubic feet for each person, it being considered necessary to give a soldier in barracks from 500 to 600, and patients in hospitals 1,200 each.”

I now come to the pillow-lace making, in which children of five years of age and even younger are engaged. Its effects are that it causes the children to

“Suffer considerably in health from closeness of confinement and bad air, as well as in their eyesight from the mode of working.”

In many cases they have become irretrievably and hopelessly blind. I beg now to call your Lordships’ attention to the state of the great mass of those ordinarily called

chimney-sweepers and climbing boys, for whose protection an Act of Parliament has been passed, which has been systematically, openly, and pertinaciously violated in the country districts. The Act itself is imperfect, but it is rendered still more so by the magistrates neglecting to inflict the proper penalties when it is proved that its provisions have been violated. In the country, it appears, the number of these climbing boys is on the increase, while in London, with a population of 3,000,000, there are, I believe, but one or two to be found. The cause of the increasing number, I believe, is to be found in the fact that the proprietors of houses and mills in many cases insist upon having the climbing boys instead of the machine. The number of these climbing boys throughout the country is 2,000, and they begin to work about eight years of age—some as young even as five. In the smaller towns the hours of work vary from eight and nine hours a day, in the larger towns from twelve to sixteen; I shall now submit to your Lordships’ notice not one-twentieth part of the evidence contained in these volumes with respect to this employment. These boys are, in the first place, subject to a most frightful disorder called the chimney-sweeper’s cancer. I have been in hospitals and seen cases of it myself. I would now ask your Lordships to listen for a moment to the evidence given on the point by Mr. Ruff, of Nottingham, who was himself a master-sweep, and who, be it said to his credit, has come forward to give testimony against the continuance of this abominable system. Mr. Ruff’s evidence is as follows:—

“No one knows the cruelty which a boy has to undergo in learning. The flesh must be hardened. This is done by rubbing it, chiefly on the elbows and knees, with the strongest brine, close by a hot fire. You must stand over them with a cane, or coax them by the promise of a half-penny, &c., if they will stand a few more rubs. At first they will come back from their work with their arms and knees streaming with blood; then they must be rubbed with brine again.”

Is this a state of things, my Lords, which is to be permitted to go on? Are we to call ourselves a free and Christian country, knowing that 2,000 of our fellow-creatures, just as good as ourselves, are doomed to the most excruciating and intolerable agony, because some gentlemen say they will have sweeping-boys and will not use machines, and because magistrates refuse to act upon the clearest and most indisputable breaches of the law being proved before them? Another master-sweep, Mr.

Stansfield, says, "In learning a child you must use violence that I shudder to think of." I will not detain your Lordships. There is much more of the same evidence, and many more witnesses might be brought forward to show the physical suffering which these poor children undergo. But what is their moral condition? "They are bought, sold, and leased by their parents and guardians." "They are completely slaves," says Mr. Ellis, a magistrate of Leicester, "as any negro children in South Carolina." I have received from America at various times letters from persons rebuking me for the part which I have taken, and which, with the blessing of God, I always will take, in favour of the extinction of slavery—rebuking me and at the same time asserting that a state of things exists in England with regard to young children ten times worse than anything which exists in relation to negro children in any part of South America. I should like to know, indeed, where we can find children treated like these white children of this country are treated, with all our boasted civilization. I remember when that admirable lady Mrs. Beecher Stowe was in this country, at my house, she spoke to the late Lord Campbell on the subject, and Lord Campbell replied, "What you say is strictly true. The only difference between America and us is this. With America it is permitted by law. With us it is forbidden by law; but the law is constantly and openly violated, and we cannot get the Legislature to come forward with sufficient vigour to maintain its own acts, and to put an end to this cruelty and violence." Another master chimney sweep says, "I have hired a lad for £1 a year, and I have bought lads myself, giving the parents so much a year further." Great efforts have been made in Scotland to suppress this system, and I believe that, greatly to the credit of that country, it is very nearly extinguished. Let me call your Lordships' attention to the words of Lord Cockburn, in passing sentence on a chimney sweep at Glasgow. Lord Cockburn said—

"It was a scandal to the law to allow the sweeping of chimneys by children—it was indeed monstrous to allow any child to be employed in such a way; and if the trade were but once put down, it would be looked upon with so much horror that it would be difficult to convince the next generation that it had ever existed in a country claiming to be Christian."

What is there in such a declaration as that to which, in your consciences, your Lord-

ships cannot say "Amen." There is not one evil among those which I have mentioned which is not capable either of entire removal or of very considerable abatement. Let us now be guided by foreign countries. We set them the example. Our factory legislation preceded theirs, but they have pushed it further, and applied it to a number of trades. No less than twelve foreign countries have introduced regulations and enactments limiting the hours of labour, providing instruction, and suppressing the cruelty practised towards these little and helpless children. My Lords, I think I have said sufficient to show your Lordships what there is for study during the recess, and what inducements there are for this House coming forward early next Session to blot out so great a reproach and so great a disgrace to the civilization and honour of this country. I am most anxious that these facts should go forth to the public. I hope what passes here will meet with a response out of doors. I hope that at the commencement of the next Session, either by myself, if life and strength be spared to me, or by the Government, whose duty it is to undertake the task, some effort will be made to remove this great abomination. This first Report includes only six trades, and applies to 27,000 children of tender years. Other Reports will bring up the number to 100,000. Although every child has a claim on our attention, when the number is swollen to 100,000, the claim, besides resting on the ground of humanity, rests also on political considerations, because the welfare and well-being of so many future citizens are involved. With many thanks to your Lordships, I now commit what I have said to your judgment and consideration.

#### POLAND.—ADDRESS FOR PAPERS.

THE MARQUESS OF CLANRICARDE said, that in moving an Address on the subject of the atrocities committed or threatened by Russians and Poles during the insurrection in Poland, he did not want to raise any discussion, whether it might or might not be possible for Poland to continue under the dominion of Russia with any guarantee or probability that that country would be pacified. But there was one part of the question upon which they ought to have fuller official information—namely, as to the atrocities and cruelties which were now going on in this lamentable civil war. It might or might not be true that these atrocities were all on one side, but it appeared to him, that having in-



terfered on the ground of humanity, and having taken action with France and Austria, England was bound to see upon what foundation the statements which reached this country rested. It was entirely upon the ground of humanity that our Government had taken the course which they had taken, and were placed in the almost unprecedented position in which they now stood. The English and the French had never made so serious an attempt at intervention between Poland and her Russian subjects as at the present time. Any man who at the commencement of this year had predicted that we should find ourselves engaged with France and Austria in what practically was an intervention on behalf of Poland would have been deemed to have a very fertile imagination or else to possess very little political knowledge. The conscription had excited universal indignation both in France and England, and it was impossible for the two Governments to sit still and do nothing. Diplomatic representations were made, with what result everybody knew. The object of our interference had been to stop the effusion of blood and the perpetration of numberless atrocities; but the effect of it, so far as it had any effect, was that almost greater cruelties were committed. Since March, when our representations were first made, General Mouravieff had been appointed, whose proclamations could not be read without horror and indignation. Few people knew the full extent of these proclamations. Among other things, women wearing mourning in the streets, no matter what bereavement they might have undergone, were to be treated like common women of the town, registered, and subjected to all the examinations to which that class were liable. He had received many accounts of cruelties which had been committed, but would only mention one as a sample of the Russian rule. A priest who had administered spiritual consolation to a dying insurgent was first sentenced to death, and afterwards, as an act of mercy, that sentence was commuted to twelve years' exile. It was most discreditable to England and France, that after having taken this office upon themselves, such outrages as were reported should have been since committed. He did not think that the sneers and sarcasms of Prince Gortschakoff at the reasoning of our Foreign Secretary would disturb him or the public, but it would be felt to be intolerable that Russia, while denying our

right to remonstrate, should call for what was called "increased energy" in Poland, which meant fresh atrocities and increased severity, and should hold out no prospect of a mitigation. It was right to say that we did not mean to go to war; but the three Powers were bound, before God and man, to put a stop to these cruelties which were being perpetrated in Poland if they had the power. He did not agree in the interpretation which in another place had been put on the words used by the Foreign Secretary on a previous occasion. He did not understand his noble Friend to say that under no circumstances would we go to war in this matter, but rather that these negotiations had not been commenced with a view of attacking or injuring Russia. Her Majesty's Government might not upon other grounds have a right to meddle in this matter, but they had pledged themselves to interfere to put a stop to those unchristian and barbarous practices. Their Lordships ought to have full information in reference to what was now taking place in Poland, in order that they might see whether there had been any mitigation of the atrocities which had been practised in that country. He therefore begged to move

"That an humble Address be presented to Her Majesty for, Copies of any Reports that may have been received from our Diplomatic or Consular Agents on the Continent of Atrocities committed or threatened by Russians or Poles since 1st May;"

And to inquire whether Her Majesty's Government had reason to hope that the civil war now raging in Poland would be henceforth conducted according to the usages of civilized warfare.

EARL RUSSELL: My Lords, my noble Friend has asked us to produce the reports of our diplomatic and consular agents relating to atrocities committed or threatened by the Russians and Poles. In answer to my noble Friend, I have to state that it is very disadvantageous to our diplomatic servants abroad to produce to Parliament, and thereby to publish to all the world the communications which they make from time to time to Her Majesty's Government. Of course, it is essential that Her Majesty's Government should have all the information that can be collected on such subjects as those referred to by my noble Friend, and that such information should be of the most authentic character possible; but our diplomatic agents say, and I believe rightly, that they find great difficulty in obtaining in-

formation if it is supposed that it is to be laid upon the tables of the Houses of Parliament and published to the world. There are certain cases in which that objection must be overcome and papers from our diplomatic agents be produced; but I do not think there is anything in the present case that ought to make us depart from the general rule. The statements made to our diplomatic agents are, of course, liable to question. What Lord Napier says, being himself far away from the scene of the insurrection, he hears from the Russian Minister of Foreign Affairs or derives from the *Gazette of St. Petersburg*, which is open to all the world; and, on the other hand, Her Majesty's Consul at Warsaw reports from time to time accounts which come from different parts of Poland; but these accounts, some of them accurate, must be liable to question, because they refer to matters which do not take place within the immediate neighbourhood of Warsaw, but come from various parts of the country. It would, therefore, be inconvenient, not only to Her Majesty's Government—who would get less information, and information less trustworthy—but also to Parliament itself to produce Reports which, on further examination, might not turn out to be strictly correct. My noble Friend has spoken of the acts of General Mouravieff with reference to a proclamation respecting the wearing of mourning. It was published in the newspapers, and has never been officially contradicted, and may be regarded as perfectly authentic. When Lord Napier asked Prince Gortschakoff what had taken place, he said it was quite true that pecuniary penalties had been inflicted on women who had worn mourning, that fines to the amount of £110 or £120 had been paid, and that the consequence had been that the custom of wearing mourning as a patriotic badge and political manifestation had been discontinued. With respect to the more general question, my noble Friend says that we ought not to have begun any negotiations at all unless we were determined to obtain that for which we set out. I will not enter into a controversy with my noble Friend on that point; but I may observe that my opinion differs from that of my noble Friend. I think it is very often expedient to make representations to different Governments as to their conduct, without being determined to push the controversy to the extent of war. I must, however, notice what is evidently and cer-

tainly a great misrepresentation of that which I said on a former occasion. It appears that somehow or other Mr. Horsman has made a statement, which is so important, and so evidently contradictory of what I did say, that I must call your Lordships' attention to it. I find he has said that a statement which I was supposed to have made was, "that however much the honour and interests of England may demand it, and however much the safety of Europe may require it, England will on no account draw the sword for Poland." Now, my Lords, that statement is so absurd, it is impossible I could have made it. I beg to call your Lordships' attention to the nature of my argument. I said that where the honour and independence of England are in question there can be no calculation of consequences—you must defend your honour whatever the consequences; but when the question is one of general humanity—when it is one of the balance of power, and the bearing of a certain treaty, it then becomes the Government before it takes any course, and becomes Parliament before it comes to any decision, to see clearly what the object is which you have in view, and whether you have the means and whether there is a probability of effecting it. There was no question, then, as to the honour of the country, the independence of the country, or the safety of the country; but the national consideration was whether you were likely to obtain the object in view, and especially whether that object was a definite one. Without going over the reasons on which I based that argument, I am persuaded that there is sound reason for saying that you ought not to engage in hostilities without having a clear object in view, and without having clearly in view the means by which that object is to be effected. There is another statement made in the same speech of a very different character. It is there attributed to me that I said, "If Poland obtain its independence, it will be not only without the goodwill, but contrary to the judgment, the wish, and the desire of England." Something like that interpretation was put on my speech by a noble Earl opposite (the Earl of Derby); but I submit that that it is not a fair construction of my words—it certainly is not a just construction of my meaning. I stated elsewhere and some time ago my opinions regarding the independence of Poland, and expressed a hope that one day or other that independence would be



restored. What I was arguing against was an independence which should be established by a foreign Power—whether France, or Austria, or England—which I said might become an element of disorder in Europe. It appears to me that that is not only a fair argument, but that it is exactly what would happen. If Poland were able to establish her own independence, it would be an element of order and peace in Europe; but if foreign Powers were to establish an independent Kingdom of Poland, which could not subsist of itself—if Poland were exposed to continual contention and conflict with Russia in order to maintain her independence or to extend her territory—if France and England were continually to be called in to support the kingdom which they had artificially created—such a kingdom would be a source of disorder, and not of order to Europe. That was my argument. I think it is a very plain one, and I do not believe that men generally will dissent from it. With regard to what is going on in reference to the Polish question, Her Majesty's Government have received a very important communication from Russia, which has been laid before the House. All I have to say to that communication is, that the only practical part of it is a recommendation on the part of Russia that Austria should combine and place herself in concert with Prussia and Russia, that there should be a conference between the three, that they should settle the details of what should be done with regard to "the six points," and that when they had come to an end of their labours—when they had decreed certain details and certain measures—England and France should have the benefit of being informed of the result. That is the only practical proposal contained in that communication; and I am glad to say that no sooner had it reached the Austrian Government than they at once telegraphed to St. Petersburg declining the proposition. I have had placed in my hands by the Austrian Ambassador a very able and straightforward despatch, in which Austria entirely refuses to be a party to such a conference. I have only to add, that as far as the communications have gone, France, Austria, and England are entirely of accord as to the course which they will take, and I hope that concert will continue, and will be followed by good results. At present, I certainly should not be justified in entering further into the subject.

*Earl Russell*

VISCOUNT STRATFORD DE REDCLIFFE said, the House must have heard with deep interest, if not with equal satisfaction, the explanations which had been given by his noble Friend. It was difficult for him to conceive that under present circumstances the Secretary of State should have gone so far out of his way as to exclude himself from the possibility of following up any negotiations which Her Majesty's Government might have embarked in, even at the risk of producing a more complicated state of relations than any that had hitherto existed on the subject before their Lordships. The conduct of Austria on this occasion must have been regarded by the House with great satisfaction. If Austria had not taken a line completely in harmony with the two Western Powers, it was difficult to conceive how any practical result could have followed from the negotiations. The course which Austria had taken was not only important as it affected Poland, but it showed that the Austrian Government had really and sincerely made up its mind to that line of policy which many of its recent acts had led them to expect. Austria was no longer the oppressor of Italy and the opponent of every liberal opinion connected with social progress; she had chosen the better part, and we might henceforth have the satisfaction, not only of seeing maintained the good understanding which from an early period had existed between that country and England, but we might look upon Austria as an efficient co-operator in those matters which affected the interests of Europe in a political as well as in a commercial sense. He could not entirely agree with the noble Marquess (the Marquess of Clanricarde) that the Polish question was one which rested exclusively on considerations of humanity. No doubt, those considerations had materially influenced Her Majesty's Government, and produced a strong impression, not only in this country, but in other parts of Europe. But there were others of equal importance which must have had no trifling weight in the councils of Her Majesty's Government—nor could they, indeed, be lost sight of by Parliament. It required none of those painful details which we had read so frequently of late in the public journals, and which had been so fully confirmed by official correspondence, to show us the nature of this war. On the one side, by a long series of unjust and oppressive acts, a great nation of several millions of men had been reduced to the necessity of risking

everything against a Power of far greater magnitude, and consequently, by the desperate nature of her position, was compelled to resort to the most unusual and distressing extremities. On the other side, that same spirit of injustice and oppression which had been too manifest in the proceedings of Russia for the last fifty years, had made her assume the character of an exterminator, and plunged her into measures of the most violent and outrageous severity. How, indeed, could it be otherwise? Cruelty and unlimited violence must, of necessity, mark every act of warfare on both sides; and he confessed it was comparatively indifferent to him whether the blame could be brought home either to Russia or to Poland. Wherever it originated, its effects could be no other than such as he had described; and in those effects we might read a most important lesson, a clear admonition of what it was our duty to do in order to assist in putting an end to a state of things so contrary to every principle of humanity, and so well calculated to endanger the peace of Europe. It could not be denied, up to the present time the negotiations had not been attended with the success which Her Majesty's Government had seemed to expect. The despatch which his noble Friend had laid upon the table some few days ago must have struck their Lordships as not less remarkable for the skilfulness of its composition than for being destitute of everything which could afford hope of a satisfactory solution. The spirit by which it was too evidently pervaded appeared as remote from the establishment of a good understanding as anything that could well be conceived; and, except that it offered some insight into the real intentions of Russia, it could only excite feelings of regret that a paper devoted to such important and delicate interests, and proceeding from a Government standing so high among the Powers of Europe, should have been marked by a tone of sarcasm so little in keeping with its subject-matter, and so far from being, in that respect, creditable to the Premier who had signed it. If Russia would reconcile us to the vigorous system of measures by which she was labouring to suppress, she would have best consulted her own interests by the use of a more courteous style of correspondence, even if she could not go the length of holding out some hope of a satisfactory solution. But, however painful it might be that diplomacy on this occasion had obtained so little success as

to be reduced to the necessity of either stopping short in its humane exertions, or continuing negotiations under circumstances of greater risk, it was but fair to consider the conduct of Her Majesty's Government with reference to the difficulties under which they had been called to act, and which it was impossible to disguise. No one who looked back to the part which England had taken in the transactions respecting Poland could fail to be convinced that a certain amount of moral obligation had devolved upon us in common with our allies. There was, no doubt, a duty which neither they nor we could easily shake off. Though diplomatic negotiations could hardly be pursued without risks more or less serious, he would venture to say that affairs in Poland could not go on as they had done without occasioning a chronic danger, not only to the peace of Europe, but to those interests which in England were closely connected with the maintenance of tranquillity, and were of the utmost importance to her industrial and commercial population. He did not think the conscience of this country would be satisfied till every exertion, short of plunging the country into war, had been made; and he, for one, should be sorry to see it laid down as a rule that the policy of a great country like England was to be determined by the fear of war. No great country could retain its high position in the councils of Europe without fulfilling the conditions of its greatness; and by shrinking in any one instance from the performance of an essential duty it might do an irreparable injury to its character, and perhaps only postpone the evil hour, laying the materials of future war upon a broader foundation. Were we to be deterred from redeeming our pledges by so unworthy a sentiment, we might as well throw up our Commission as a first-rate Power at once, and fall back into that secondary position which might be maintained at less cost and perhaps with more dignity. England might still have measures at her disposal, and a sense of duty might prescribe the adoption of them—measures to which we might fairly resort, which are recognised by the law of nations, and which would not entitle Russia to seek redress by a declaration of war. He admitted that a policy of the nature he referred to could hardly be carried out without exposing us to some unpleasant contingencies; but if the circumstances now before us involved our credit and the future tranquillity of Europe, not

only were we entitled to pursue that policy, but called on to do so with a pressure which it was difficult to resist. After all, perhaps the danger was not so great as some persons conceived. Russia was not the Russia of ten years ago; she had felt the reaction of that injurious system she had so long pursued—the effects upon her own internal prosperity of the losses of war which she had more than once entailed upon other nations. She had herself experienced the pernicious effects of an offensive war, and found those losses which she had so often inflicted on other nations brought home to her own bosom. With these circumstances borne in mind, ought we to permit ourselves to entertain an exaggerated alarm? He might be told that it would not be generous to take advantage of the weakness of a friendly Power, or to press our demands upon her acceptance so forcibly as to cause her any embarrassment or serious inconvenience; but in this, as in other cases, an exception was to be observed. But was Russia entitled to this delicacy? Were we at liberty to sacrifice humanity and justice to mere courtesy? Was it true that the policy of Russia and her conduct towards surrounding States had been one of almost continual encroachment? Had it been such as to justify the general distrust of Europe? If it were so, he must say that it comported well with the interests of Europe and with our own rights not to be too delicate in our proceedings on the present occasion towards Russia. In employing these arguments, nothing was further from his thoughts than any desire to recommend a course of diplomatic action not fully warranted by the suggestions of prudence and the obligations of duty. His opinions were not even coloured by any feeling of hostility to Russia. Such was by no means the spirit in which he addressed their Lordships. At the same time, he thought that the measure of our proceedings in the present case could only be found in a conscientious discharge of our duty on the grounds of humanity, of treaty, and of the general tranquillity; and moreover, that the principles of action they pointed to forbade the negotiations to be left where they stood at present. From the line which the Austrian Government had taken, we might feel additionally justified in the course on which we had entered; and Russia herself, if she would only take a hint from the strong feeling expressed throughout Europe at her conduct to Poland, might find an opportunity of relieving herself from

much of that mistrust and irritation which her former policy had occasioned on all sides. What adjacent country was there, which, either by negotiation or by war, had not been forced to subscribe largely to the grandeur of that empire? Russia, no doubt, was destined to play an important part in Europe; her territory and her resources were almost unlimited; but just in proportion to her magnitude and importance was it expedient that the spirit of enlightenment which led to the late emancipation of the serfs should strengthen and develop itself, till it resulted in the adoption of a more considerate and less encroaching policy towards her neighbours. Then, indeed, would Russia be a really great Power. Instead of remaining an object of jealousy, distrust, and anxiety to Europe, she would take her proper place in that great union of civilized Governments, which, with all its errors and imperfect views, taken on the whole, does honour to the nineteenth century.

THE EARL OF ELLENBOROUGH: As the state of the question now is very different from what it was when I last addressed your Lordships five or six weeks ago on the subject of Poland, I trust I may be permitted to express the opinion I entertain under the change of circumstances which has taken place. I do not find fault with the Government for having endeavoured to obtain a diplomatic solution of the difficulties which have arisen in Poland. On the contrary, I said then, and I think still, that it was the duty of Her Majesty's Government to endeavour to place itself at the head of public opinion in this country. But this answer of Prince Gortschakoff I regard as a practical termination of all attempts, with any hope of usefulness, to continue diplomatic discussion with Russia; to go further in that course would be perfectly idle. It is said that there has been no result from these interchanges of diplomatic notes. I think there has been this valuable result, that we know exactly where we are; we know that by diplomacy we shall obtain nothing from Russia, as she insists on continuing the same course she has been pursuing so long. This first act being entirely over, it is for Her Majesty's Government to consider what they shall now do. I do not think it would be expedient for me to enter on that subject. It is one demanding, and I have no doubt undergoing, the gravest consideration at the hands of the responsible advisers of the Crown. I do not

think I should assist them, or do the public any service by endeavouring to state the arguments in favour of one course or of the other. The noble Marquess who introduced this discussion spoke with the gravity which it is impossible not to feel on such a subject of the atrocities said to have been committed by the Russians. I do not ask for letters from Warsaw or any other part of Poland to substantiate the statement of the atrocities which the noble Marquess has adverted to. The proclamations of General Mouravieff in themselves are an atrocity. The state of things they produce, of general persecution, of confiscation of property, of want of private and public security, are in themselves an atrocity as yet unknown in Europe; and I feel convinced every day more and more, that be the prudence of Cabinets what it may, desirous as they may be to prevent the spread of war in Europe, their efforts will be altogether vain if these atrocities are continued. The feelings of the people of Europe will overcome the prudence of their governors. I do trust that the Russian Government will seriously consider the position in which it stands. It has had the same opportunities of making the Kingdom of Poland useful to it as have been possessed by Austria in Galicia, and by Prussia in Posen. There is no difference. In the two provinces which are in the hands of Austria and Prussia we see great prosperity, and, to a great extent, content. For thirty-three years the Kingdom of Poland has been in a constant state of dormant or active insurrection. The cause is bad government, and bad government alone. It arises from that brutal contempt for the feelings of persons whom they consider their subjects against which human nature revolts. I do trust, I say, that Russia will really consider the position in which she stands. We are not enemies of Russia. We desire the continuance of the state of things which was established at Vienna. It was not what we then desired. We acquiesced in it; Europe has become accustomed to it, and would to a great extent be broken up if it was materially altered; and to avoid the difficulties and dangers of a change, we had rather that it should be retained than altered. Russia, if she proceeds in the course upon which she has entered, will render its retention impossible. Let her look at what Poland has been to her for the last thirty-three years. Has she derived any advantage from it? Has it not, on the contrary, cost

a great deal more than it has produced, and occupied a large portion of her army? Has she derived any prestige from the possession of Poland? Quite the contrary. Prestige arises from a succession of victories, from success in all operations. In Poland hers has been a continual failure during the life of man—a failure because she has been persisting in that which is wrong. I wish that the Emperor, who speaks through his ministers, against what he calls revolution, attributing to revolutionary feelings in France and other countries that which takes place in Poland, would consider that he is himself at this moment the first revolutionist in Europe. He is placing himself at the head of the emancipated serfs against their late masters, and against the proprietors of land in every part of Poland. It is a popular insurrection against property, and the Emperor is at the head of it. My Lords, I never answers for an Emperor to adopt that line. He may depend upon it that he and his family will suffer for the confusion and the danger which they are exciting in Poland. Is it possible for him not to know, if he looks through any portion of history—more especially that of Eastern countries, with which he is greatly more connected than with the West—is it possible for him not to know that justice and generosity on the part of a man in the possession of great power are more efficacious in the management and government of nations than the greatest severities that can be exercised; that severity may, for an instant, create an apparent calm, but that that calm is delusive, and is always followed by a reaction which produces a state of things more dangerous than that which preceded the calm? My Lords, there have been atrocities mentioned arising out of the proclamations with respect to the treatment of women, which it appears to me impossible that any one who lives in civilized Europe should at any time have sanctioned. The man who outrages a woman makes mankind his enemy, and exposes himself to all the consequences of the loathing which he excites. And yet it is impossible to doubt that under the orders of Mouravieff—and Mouravieff is at this time apparently the favourite agent of the Russian Government—these atrocities are committed. I will say no more. I leave the matter in the hands of Her Majesty's Government. I will not in any way increase the difficulties of which I recognise the existence. I do trust that the Government will most gravely

consider what shall be the next step; but if it be a further step in such negotiation as they have had with Russia, it will fail like the last.

THE EARL OF MALMESBURY: My Lords, your Lordships will, I think, feel that we are again placed in the position which was described by my noble Friend behind me (the Earl of Derby) the other night. We are struggling between our feelings and our judgment. Our feelings did not require the eloquence of the noble Earl who has just sat down, of the noble Earl near me (the Earl of Shaftesbury), who addressed your Lordships on the subject of Poland on a previous occasion, or of the noble Marquess who commenced the present debate, to rouse them. The noble Viscount (Viscount Stratford de Redcliffe) has gone even further, because he has not only expressed the feelings which every man must entertain with regard to a gallant nation struggling for its liberty, but he has gone perhaps a little too far in attacking the Russian Cabinet. I shall not detain your Lordships by defending the Russian Emperor or his instruments. I only beg that you will not let your judgments be overthrown by your feelings. I have never, since the end of the Session of 1853, felt so much apprehension with respect to the state of Europe as I do now, and I much fear that many things which have been said this evening are not calculated to remove the difficulties under which Her Majesty's Government are now labouring. Those difficulties are entirely to be attributed to Her Majesty's Government having left the safe course of non-intervention. When they entered office, they promised that they would follow that road; and so long as they have followed it, they have maintained peace. They followed that road in a case almost analogous to that of Russia and Poland—I mean America—and we all, I believe, admit the wisdom of the course which they have pursued. Your Lordships must have had even stronger feelings when you saw the blood of your own relations, I may say, shed in torrents in America than those which you entertain with regard to Poland, and yet your judgment got the better of your feelings. You declared that you would not interfere on any occasion, and even refused to propose an armistice when the Emperor of the French proposed to join with you to stop that cruel war, and to put an end to cruelties quite as revolting—even against women—as are committed in

*The Earl of Ellenborough*

Poland. I must say I think that you were wise to subdue the feelings of anger and horror which must have been excited by these acts, and to recollect that you were not poets or sentimentalists, or even humanitarians, but that you were politicians and statesmen, and that you had your own country to consider before you regarded the feelings and interests of others. Why have not Her Majesty's Government followed the same course with respect to Poland?—and what has been the result of their deviating from the course which they adopted in America? It has been said by the noble Marquess and the noble Viscount that we are drifting into a war. The noble Viscount said that he would not willingly go to war, but that if our honour became involved, we must not hesitate for a moment, but must take the lead in Europe. The noble Earl also told us that we ought to take the lead in Europe. That system of taking the lead in Europe, which used to be so rife at the Foreign Office, is one of the most dangerous that can possibly be followed. It is averse to the present state of civilization in this country, to its social state, and to its political interests. At the beginning of this century circumstances were quite different. England was obliged to take the lead everywhere, and keep it everywhere; but the conviction of this country now is that our safety, our dignity, and our happiness depend upon a policy of non-intervention. When you leave that course, you are not safe for a moment. At the beginning of the century we were not strong enough to follow that policy. We are strong enough now. From our tower of strength we may look down without losing any dignity or any of our power, upon what takes place around us, without meddling with the affairs of others, or interfering with the most dangerous questions which can arise. What is the position in which we stand? First of all we gave advice, and then we made positive propositions. These have been refused:—and what follows? The controversy will be continued by angry arguments, which will gradually drift into reciprocal recrimination, and possibly end in a war. That is what we have to apprehend. When the noble Earl who last spoke (the Earl of Ellenborough) says that the course which Her Majesty's Government have taken shows us where we are, he will not say where we shall be three months hence. I think that this position of things is extremely alarming. I think that by entering upon

this Polish controversy we have followed the impulse of our feelings rather than of our judgment. I think we might have interfered innocently and with dignity by simply letting Russia know what was our opinion of her government in Poland, of her breach of treaties, and of the cruelty with which she is prosecuting this war. You might have done what you did in the case of the King of Naples. You might have withdrawn your Ambassador, and thus shown that you would no longer have any relations with a Power so uncivilized, so uncertain in its faith, and whose acts are so revolting to the feelings of the people of this country. You might have done that without being placed in a position derogatory to your honour, and without jeopardizing peace, as there is a risk that you may do by the policy you have adopted. It is natural that we should feel respect for a brave nation which has been defending itself as Poland has ; but our duty is this—to consider well what we owe to our own country, and to take care that we do not lead it into a war which, if it does take place, we can have but little interest in prosecuting. When you speak of the question of the duty of England with regard to Poland, you have to consider what are the causes for which a nation interferes on behalf of another nation. You probably make it depend on one or two general considerations. You may advocate interference on her behalf on the score of humanity. But how, let me ask, if you involve England in a war with Russia, will it further the cause of humanity that thousands of your countrymen should be slaughtered, and their blood added to that which has already been shed in Poland ? Again, you may seek to justify interference on the score of national interest. But is there any national interest involved which should induce us to embark in a struggle like this ? Putting the question on the lowest footing, is there any commercial interest at stake ? For my part I see none. It cannot, I may add, be contended that there are associations which bind us to Poland. We know that she sent the best of her soldiers to fight against us in the armies of Napoleon, nor do I recollect any act, epoch, or circumstance which has tended to bring the two countries into friendly association, or has left behind it any of those feelings which are naturally produced when two nations have been acting together for centuries. I can, I confess, see no excuse for Her Majesty's Government having taken the active steps which

they have taken in this instance. They might have taken steps less active, which could not be pronounced measures of interference. Friendly communications on our part might have been made showing what the leading countries of Europe thought of the government of Poland and the conduct towards her of Russia. If you had so acted, you would have kept yourselves free from trammels which you can now hardly escape. If you go hand-in-hand with France on this question, you will find that your interests are not identical—that they are at variance with those of France—and that the war in which you engage will end as other wars have ended within the last five or six years, by giving to France a material advantage at its close.

EARL GRANVILLE: My Lords, I do not think it is desirable that the Government, following the invitation given them in the singularly able speech made by the noble Earl opposite (the Earl of Ellenborough), should enter more fully into this question at a moment when the gravest consideration ought to be given as to the course which we should adopt. I rise, therefore, simply to make a few remarks on the extraordinary speech which we have just heard. I can perfectly well understand that the noble Earl who made it should have felt himself called upon to disapprove of the terms of approbation in which the noble Earl near him has spoken of the policy pursued by the Government ; but what is incomprehensible to me is that he, while insisting, very much in the same way as a noble Earl not now in his place (Earl Grey), that this country should not in the slightest degree interfere—even to the extent of entering into diplomatic negotiations—in the struggle going on in Poland, and while talking of our “looking down from the tower of our strength with dignity, and without any loss of prestige,” doing nothing while troubles were accumulating all over Europe—what, I repeat, is utterly incomprehensible to me is, that the noble Earl should then proceed to say we might have entered into diplomatic negotiations of a peculiar character which he described, and that we might even go so far as to withdraw our Ambassador from the Russian Court—a step ten times stronger than any which the Government have yet taken. For my part, I deny that there has been, in the course which we adopted, any departure from the principle of non-intervention. We have simply, in conjunction with the great Powers of Europe,

employed our moral influence, based on treaty rights and international law, to point out the course which, in our opinion, Russia ought to take at the present moment. To do less would not, I maintain, be consistent with that dignity and prestige to which the noble Earl alluded; but I am quite sure that to have done more, and to break off, as he suggests, all diplomatic relations with Russia, would have been to interfere in a much graver way than we have done, and to take a step which would much more surely lead to those disastrous results which I trust may yet be averted by the course pursued by my noble Friend (Earl Russell).

THE MARQUESS OF CLANRICARDE said, that after what had fallen from the noble Earl the Secretary for Foreign Affairs, he should not press his Motion.

Motion (by leave of the House) *withdrawn*.

#### VOLUNTEERS.

##### ADDRESS FOR A PAPER.

THE EARL OF MALMESBURY *moved*,

"That an humble Address be presented to Her Majesty for, Copy of the Letter written by the Secretary of State for the War Department to the Lord-Lieutenants of Counties on the Subject of attaching independent Corps of Volunteers to administrative Battalions."

The object of the circular was, he had no doubt, a good one, inasmuch as by attaching independent corps in the manner proposed they would have the advantage of the instruction of an adjutant, and also the benefit of a certain amount of pay under the new Act of Parliament. There were, however, some cases in which it would be extremely inconvenient that independent corps should be so attached, inasmuch as in many rural districts the men would not find it easy to go a long distance to headquarters to be battalionized. As he understood the letter, which he had only seen in the newspapers, it was of a permissive character, the lord-lieutenants being simply instructed to give those corps the option of joining a battalion or not; but there were instances in which lord-lieutenants had not taken that view of the matter, and the corps were attached without having the opportunity afforded them of deciding for themselves. He should like, therefore, to ascertain from his noble Friend what was the real meaning of the circular letter which he had issued on the subject.

EARL DE GREY AND RIPON said, the view taken by the Government in forming

*Earl Granville*

administrative battalions had always been that no corps whose services had been accepted as separate corps should be forced to join an administrative battalion. The object of the letter for which his noble Friend moved, and which he had no objection to produce, was to secure for such corps their share of the money voted by Parliament as a capitation grant, to enable them to avail themselves of the services of an adjutant, and also to furnish the Government with the necessary guarantee of the practical efficiency of their members. Accompanying the letter was a scheme, by which it appeared to the War Office that the object in view might best be carried into effect; and it was specially requested that lord-lieutenants should give their opinions with respect to the scheme, they being at the same time informed that the best consideration would be given to any alterations in it which they might deem advisable. It was, he might add, very desirable that local corps should attach themselves as far as possible to administrative battalions, but in cases in which real and substantial local difficulties stood in the way it was expedient that lord lieutenants, in the exercise of their authority, should propose such arrangements as the various corps might deem acceptable.

Motion *agreed to*.

(*Parl. Paper No. 256.*)

House adjourned at a quarter before  
Eight o'clock, till To-morrow,  
Twelve o'clock.

## HOUSE OF COMMONS,

*Friday, July 24, 1863.*

MINUTES.]—SELECT COMMITTEE—*Report*—Navy (Promotion and Retirement) [No. 501].  
RESOLUTIONS REPORTED—East India Revenue Accounts.  
PUBLIC BILLS—*Second Reading*—Exhibition Medals (*Lords*) [Bill 281].  
*Committee*—Exhibition Medals (*Lords*).  
*Report*—Exhibition Medals (*Lords*).  
*Considered as amended*—British Columbia Boundaries (*Lords*) [Bill 187].  
*Third Reading*—Rum Duty [Bill 256]; Augmentation of Benefices (*Lords*) [Bill 134]; Alterations in Judges' Circuits (*Lords*) [Bill 252]; Clergymen (Colonies) (*Lords*) [Bill 251]; Statute Law Revision (*Lords*) [Bill 233].  
*Withdrawn*—Church Building and New Parishes Acts Amendment [Bill 260].

STATUTE LAW REVISION BILL (*Lords*).

[BILL 233.] THIRD READING.

Order for Third Reading read.



Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. HENNESSY said, that the measure could have no practical effect, for, since it came down from the Lords, it had received an important Amendment. The result was, that while the schedule abolished certain rights and privileges, they were preserved by the first clause. The strong objection to the Bill was that it repealed some statutes relating to Ireland, which were not in the Irish Statute Book, and would now be removed from that of England, and one statute to which the Irish courts of law must appeal. He also objected to the Bill because it repealed Magna Charta and other statutes, which were the landmarks of the Constitution, and which ought to be preserved. A Bill of that magnitude—comprising 198 pages of important matter, referring to four and a half centuries of our constitutional history—ought not to have been pressed through the House by the Government at that late period of the Session. He would therefore move that it be read a third time that day week.

Mr. LYGON seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day week."—(Mr. Hennessy.)

Question proposed, "That the word 'now' stand part of the Question."

THE SOLICITOR GENERAL said, it was a matter of utter astonishment to him to imagine what useful purpose either to his own reputation or to the public interest the hon. Member for the King's County supposed he was promoting in obstructing the progress of a Bill of this kind. Every one of the objections he had taken was utterly baseless. The hon. Gentleman had dipped here and there into Stephen's *Blackstone*, had taken down a volume or two of the statutes in his leisure moments, and had acquired just the smattering of information which a person might obtain without any real trouble and without attempting to make himself master of a Bill which almost every one else regarded as useful and necessary. The hon. Member had a little knowledge; and a little knowledge, as they knew, was often a very dangerous thing, for the hon. Member asked the House to withdraw its confidence from gentlemen who knew what the hon. Member apparently did not know—namely, that

since Stephens' *Blackstone* was published, several changes had been made in the law. For himself—and he believed he could also answer for the House—he had confidence in the capacity and learning of the gentlemen who had in this measure revised the statute law. He had therefore only to protest against the indiscreet use the hon. Gentleman had made of his undoubted abilities on this occasion.

Mr. HENNESSY said, that the hon. and learned Gentleman the Solicitor General had delivered to him a severe lecture, but he would remind him that the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) and the Member for the Tower Hamlets (Mr. Ayrton) concurred in some of the objections which he had taken to the Bill, and they were no mean authorities. He should also mention that some of the objections made by him to the Bill had been suggested by the right hon. Gentleman the Member for Kilmarnock (Mr. E. P. Bouverie).

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read 3<sup>d</sup>, and *passed*, with Amendments.

#### EXHIBITION MEDALS BILL (*Lords*)

[BILL 261.]

#### SECOND READING. COMMITTEE.

Order for Second Reading read.

Bill read 2<sup>d</sup>, and *committed*.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Milner Gibson.)

Mr. MILNER GIBSON said, he would ask the House to suspend the Standing Orders, and allow the Bill to go through Committee. Its object was to give the power of summarily fining those persons who falsely represented that they obtained medals or certificates at the Exhibitions of 1851 and 1862.

Bill *considered* in Committee.

House *resumed*.

Bill *reported*, without Amendment; to be read 3<sup>d</sup> on *Monday* next.

#### AFFAIRS OF POLAND.—QUESTION.

Mr. DARBY GRIFFITH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether, in any statement which he may have recently been understood to have made on the subject of Poland, it was the intention of the Secretary of State for Foreign Affairs in any way to recede from or modify the declarations



made by him to the Russian Ambassador, as recorded in his second Despatch of the 10th April, 1863, in which, after saying that the intentions of Her Majesty's Government were not otherwise than pacific, he continues, "but the state of things might change; the present overture of Her Majesty's Government might be rejected, as the representation of the 2nd March had been rejected, by the Imperial Government. The insurrection in Poland might continue, and might assume larger proportions, the atrocities on both sides might be aggravated and extended to a wider range of country. If, in such a state of affairs, the Emperor of Russia were to take no steps of a conciliatory nature, dangers and complications might arise not at present in contemplation"?

MR. LAYARD said, he was at a loss to know what answer he should give to the Question of the hon. Gentleman. He could only state that he had no reason to believe that the noble Earl the Secretary for Foreign Affairs had said anything at variance with what he had written upon that subject.

#### NAVIGATION SCHOOLS.—QUESTION.

SIR HENRY STRACEY said, he wished to know, Whether the Regulations coming into force in January, 1864, in reference to Navigation Schools, can be so altered as to make persons ineligible for Masters and Mates unless they acquire a knowledge of the additional subjects there laid down?

MR. MILNER GIBSON said, in reply, that as far as the Board of Trade was concerned, they only required an examination for the certificates of Masters and Mates of merchant vessels in respect to such an amount of navigation knowledge as was sufficient to qualify men to act in those capacities. With regard to the Navigation Schools under the Committee of Privy Council for Education, they, of course, must be regulated by that Committee. He believed that it had been ascertained that a great number of youths who attended those schools never intended to go to sea at all, and merely went to the Navigation School because they got a better education there than at the ordinary parish schools. The Board of Trade, as at present advised, could not alter their regulations, and whether any alteration could be made in the Council Schools he could not say.

#### BOROUGH OF REIGATE.

##### QUESTION.

MR. LYALL said, he wished to ask the Vice  
*Mr. Darby Griffith*

President of the Committee of Council on Education, Whether it is the intention of the Government to grant any Charter of Incorporation to the Borough of Reigate; and if so, what reasons have induced them to come to that determination?

MR. LOWE said, in reply, that he had no official knowledge on the subject, but he believed that it was the intention of the President of the Council to advise the Crown to grant a Charter of Incorporation to the Borough of Reigate, and the reason for that measure was contained in the Report of the Officer who was sent down to the place to make inquiries on the subject.

#### THE CHINESE INDEMNITY.

##### QUESTION.

COLONEL SYKES said, he rose to ask the Secretary to the Treasury, In what Annual Account, and in what year the sum of 451,000·26 dollars, balance of the sum of 3,000,000 dollars received from the Chinese Government under the Treaty of Nankin, in payment of the debts due by Chinese merchants to British subjects, was brought to the credit of the Nation?

MR. PEEL said, in reply, that the Chinese indemnity was 21,000,000 of dollars, 12,000,000 for the war, 6,000,000 for the value of the opium, and 3,000,000 compensation to the Hong-Kong merchants. That sum was increased by interest and other charges to 25,800,211 dollars. 250,000 dollars were allowed to the Chinese Government, and 2,548,981 dollars were paid to the merchants of Hong-Kong. The sum received into the Exchequer was 18,158,755 dollars, being equivalent to £4,050,090. This sum was carried to the credit of the Government in succeeding years, as it was received.

#### CHARITABLE TRUSTS IN IRELAND.

##### QUESTION.

MR. BLAKE said, he would beg to ask the Chief Secretary for Ireland, Whether, in the event of Government not supporting the Bill just brought in by the hon. Members for Waterford and Mallow (with a view to its re-introduction next Session), for "the better Administration of Charitable Trusts in Ireland," he will bring forward a measure for that purpose?

SIR ROBERT PEEL, in reply, said, he had not yet seen the Bill introduced by the hon. Members for Waterford and Mallow, but he was not prepared to state

at that moment what course the Government would pursue next Session in reference to the matter.

#### SUPERANNUATIONS IN DOCKYARDS.

##### QUESTION.

MR. HENNESSY said, in the absence of the hon. Member for Devonport (Mr. Ferrand) he would beg to ask the Secretary to the Admiralty, Whether the Board will issue an Order granting Superannuations to all Engineers, Fitters, Boiler Makers, Smiths, and Labourers entered as hired men, who shall have completed the regular term of service, upon the same scale as those entered upon the establishment?

LORD CLARENCE PAGET replied, that he did not know of any intention on the part of the Admiralty to grant superannuations to the class of persons mentioned in the Question.

#### THE PAROCHIAL ASSESSMENT ACT.

##### QUESTION.

MR. WESTERN said, he would beg to ask the President of the Poor-law Board, Whether he is prepared to take any steps by which the Committees appointed under the Parochial Assessment Act of 1862 may be empowered to appoint their clerk to defend their decisions against appeals made at the Petty Sessions or Quarter Sessions, and that the expenses attending such process may be charged to the common fund of the Union? He also wished to ask, whether it is competent to *ex-officio* members of the Assessment Committee to sit in judgment on appeals?

MR. VILLIERS said, in reply, that the subject to which the Question of the hon. Member referred, was under the consideration of the Poor Law Board. There was certainly a defect in that part of the Act which related to appeals from the decisions of the Assessment Committee. He hoped that after further evidence was received upon the point an amendment of the Law could be proposed calculated to meet the requirements of the case. With respect to the second question of the hon. Gentleman, he had to state that it related to a matter of jurisdiction on which he did not feel himself qualified to give a decided answer; but he believed there was no Statute to prevent Justices in Petty Sessions from sitting on appeals against decisions they had themselves made in the Assessment Committee.

#### THE PARLIAMENTARY BAR—FEES.

##### QUESTION.

MR. DARBY GRIFFITHS said, he would beg to ask Mr. Attorney General, Whether he will exert his professional influence during the Recess, to obtain an alteration of the Professional Custom, which appears to have grown up at the Parliamentary Bar, that Junior Counsel are precluded from receiving Refresher and Consultation Fees of a less amount than those given to Senior Counsel, however much the Junior Counsel might himself desire it; which restriction Mr. Attorney General, in his evidence before the Committee on Private Bill Legislation, has himself considered to be not in accordance with the well-established professional etiquette of the Bar in general?

THE SOLICITOR GENERAL said, in the absence of his hon. and learned Friend the Attorney General, he had to state that the Attorney General, did not believe he had sufficient influence with the Members of a branch of the profession to which he did not himself belong to induce them to alter their professional customs. And he (the Solicitor General) might further observe that during the Recess the members of the Bar would be dispersed over all parts of Europe.

#### CONDITION OF MILLINERS AND DRESSMAKERS.—QUESTION.

MR. KINNAIRD said, he would beg to ask the Secretary of State for the Home Department, Whether he will give directions that the Children's Employment Commissioners do institute as soon as possible the inquiry already referred to them into the condition of the Milliners and Dressmakers?

SIR GEORGE GREY said, in reply, he did not know exactly on what branch of the inquiry the Commissioners were now engaged, but he would desire them to take up the condition of the Milliners and Dressmakers as soon as they could without interfering with any important question now before them.

#### UNDERGROUND MINING OPERATIONS.

##### QUESTION.

MR. H. B. SHERIDAN said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce in the next Session of Parliament, a Bill to

provide compensation to persons whose property may be damaged or destroyed by underground mining operations?

SIR GEORGE GREY, in reply, said, the subject had not recently been brought under the consideration of the Government. He was not aware, however, that the general law of the land did not meet the cases referred to.

#### MURDER OF A BRITISH SUBJECT AT MONTEVIDEO.—QUESTION.

MR. LOCKE said, he rose to ask the Under-Secretary of State for Foreign Affairs, Whether he has seen the account in the newspapers of the civil war in Montevideo, and especially that portion of it relating to the murder of Mr. Smith, a British settler, and whether any official Despatches on the subject have been received by the Foreign Office?

MR. LAYARD said, in reply, that the Government had received despatches which confirmed, to some extent, the accounts which had been published in the newspapers. It appeared that a military force from Buenos Ayres, under General Flores, had made a descent on Montevidean territory, and in consequence of that wanton attack a civil war had broken out. An Englishman named Smith had been barbarously murdered, but not by troops acting in the service of the Montevidean Government, for it had been ascertained that they were deserters. As soon as the Montevidean Government heard of the occurrence, they expressed their readiness to arrest the offenders as soon as possible. The English merchants assembled and subscribed a considerable amount as a reward for the capture of the murderer, and a further sum had been added by the Montevidean Government. There was every reason to believe that the capture would be effected, and the Montevidean Government had shown every desire to take energetic steps in the matter.

#### ADJOURNMENT OF THE HOUSE.

MR. DARBY GRIFFITH said, he hoped, that as there was no Supply, the Government would give hon. Members the usual opportunity of raising questions for discussion on the Motion for adjournment till Monday.

SIR GEORGE GREY said, that if the Irish Fisheries Bill were disposed of that night, they would not need to meet till Monday. Otherwise, it would be necessary to have a sitting on the following day.

*Mr. H. B. Sheridan*

MR. HORSMAN said, he would suggest that that Order should be taken first.

SIR GEORGE GREY said, he had no objection, if the House would agree.

MR. AYRTON said, he would put an end to the doubt as to what was to be done by moving that the House at its rising do adjourn till Monday.

Motion made, and Question proposed, "That this House will, at the rising of the House this day, adjourn till Monday next." —(*Mr. Ayrton.*)

#### COMPOUND HOUSEHOLDERS.

##### OBSERVATIONS.

MR. AYRTON said, he rose, however, principally because he wished to call the attention of the House to the state of the Law affecting the rating of Compound Householders claiming to vote at Elections. Before the Reform Bill, an Act was passed providing that in the case of all property of less valuation than £20 a year the owner might be assessed to the poor rates instead of the occupier, but that that should not interfere with the exercise of the electoral franchise by the latter. The Reform Bill laid down the uniform rule that a voter must occupy premises within a borough for one year, and that during such occupation he should be rated for the relief of the poor. Again, in 1836 another Act was passed, directing the overseers, in making out the rate, to insert the names both of owner and occupier, and to place on the list of voters the name of any person occupying property above £10 in value, who claimed to be so registered. Whenever the overseer neglected his duty in that respect, it was competent for the occupier to apply to be registered. In 1851 it was enacted that an occupier having once given such notice to the overseer, and continuing in the same premises, need not repeat it, but should be entitled to be put on the roll. Last year, moreover, in an Act to regulate the assessment of property, it was provided that the rate should be made out in a prescribed form, and should contain the names both of the owner and occupier of the premises. It was therefore beyond all question that the overseer was to insert in the rate-book the names of both owner and occupier, no matter which was charged with the payment of the rates. But overseers had discovered that the power they possessed of putting occupiers on the rate-book might be used for political ends, for they were not bound to make the inquiry as to the occupier at

all costs, but were only required by the Act to insert them as far as they had information on the subject. He did not complain of any overseer who, after taking fair and reasonable trouble, should not be able to ascertain the name of the occupier, and should consequently put the landlord on the rate-book; but where the overseer could obtain the requisite information—where, in fact, he knew the truth—it was his duty to state it on the rate-book. But some overseers were politicians, and they had discovered, that if they omitted an occupier from the rate-book under certain circumstances, they would probably get rid of a voter opposed to them in politics. Another new mode of procedure had also recently been hit upon by overseers which was still more objectionable. Some persons who occupied property which would entitle them to vote in a borough election, finding themselves omitted from the rate-book because the landlord was rated as compounding for the property, gave notice in the usual way to the overseers to have their names put on the rate-book. According to law that had no other immediate effect than making them responsible for their proportion of the rate, but it had also the effect of giving them a right to vote in the election of a member for the borough, provided they continued in the occupation of the property for a whole year. No sooner did the overseer receive the notice than he at once cancelled the rate which had been imposed on the premises, and raised it to a higher standard in respect of the houses occupied by the persons who had given notice. He thus assessed the houses in one row at different rates, leaving the existing assessment upon those occupied by persons who had not claimed to vote, but raising it upon such of the tenants as had requested their names to be put on the rate-book. That might have been done from conscientious motives, but it might also have been done from political motives; and it was therefore a very unsatisfactory state for the law to be in. He did not think Parliament intended that such should be the operation of the law; and, indeed, according to one construction of the original Act which allowed the overseers to rate the landlord, it ought not to be employed in any case at all where it affected the elective franchise. The question had been fairly tried by the tenants, and it had been held that in point of law the overseers had acted rightly, and that the tenants had no redress. But, on inquiry, he ascertained that in the particular

case to which he referred the overseers had not acted under the general law, but under one of those local Acts which Parliament so frequently passed regulating the assessment and management of particular parishes, and that by that Act the overseers had obtained the right of dealing with compositions as they pleased. Under the general law it was extremely doubtful whether they were not bound in all cases to deal with all houses of the same sort in the same manner. As this confusion of the law affected the right of voting in all cases where property was of the value of between £10 and £20, it was a very serious matter for the consideration of the House and of the Government. Local Acts had been passed for many places in which provision had been introduced for the purpose of regulating the assessment and collection of the rates, but in passing those private Acts the attention of the Committee and of the House had not been drawn to their indirect bearing upon the elective franchise. He should not have introduced the subject if he had thought that they were going to have a Reform Bill next Session, but it was a subject which deserved the serious consideration of the Government; and if they found on inquiry that the numerous private Acts alluded to affected the question of electoral rights, he trusted that early next Session they would bring forward a general measure defining so clearly upon what conditions the elective franchise should depend, that it could no longer be tampered with by the overseers of parishes.

#### SMALL-POX IN SHEEP.

##### QUESTION.

MR. DARBY GRIFFITH said, he rose to ask the Secretary of State for the Home Department, Whether the Government intend to take any steps for the prevention of the practice of the inoculation of sheep with the virus of sheep small-pox, or *variola ovina*, for the presumed object of mitigating the disease, on the principle of the actual prohibition in force against such practice in the case of the human subject, and to inquire what have been the results of the Government experiments of trying the effects of vaccination as a preventive of the sheep small-pox on a certain number of sheep obtained by the Government for that purpose? The disease first broke out about the end of June last year on a farm in the neighbourhood of Devizes, in Wiltshire. Professor Simmonds, who was called in, recommended inoculation of the

flocks, but it was not attended with any advantage; on the contrary, nearly half the flock on which it was first tried was lost. The disease spread among the southdowns of Wiltshire, and there was a general panic in the county, for the whole sheep property was threatened. Shortly afterwards Professor Gamgee, from Edinburgh, was applied to, and inspected the flocks, but he took a very different view to Professor Simmonds, and recommended a separation of the infected sheep. The farmers of Wilts formed themselves into an association, for the purpose of insuring their flocks against loss, and of preventing the spread of the disease; and after inquiry into the subject they came to the decided opinion to discourage inoculation. The separation plan was practised with such success that the entrance fees to the association covered the losses, and no further contributions were required. The association also tried vaccination, and, as far as the experiment went, with great success, but of course very little could be done by a private company. Last winter there was a prospect of a very serious aggravation of the distress in the North from the spread of the disease amongst sheep, and he considered that the people of England were much indebted to the Wiltshire Society for the spirited manner in which they had carried out their experiments, which had probably prevented a great aggravation of the distress in the manufacturing districts. The Government had taken a vote for carrying out certain experiments with regard to the vaccination of sheep and cattle to be made by their agents, but they had not made any explanation to the House of the result of those experiments, which he considered they were bound to do before Parliament separated for the recess. He abstained from entering into the question of the importation of the disease, but no doubt the improved commercial intercourse consequent upon the extension of free trade principles must render the examination of cattle and sheep at the time of importation more difficult than it had been previously.

Mr. LOWE said, that with regard to the experiments in vaccination, a great many had been tried by Mr. Marsden and Professor Simmonds, but unfortunately the results had been anything but successful. They had first of all tried the experiment of vaccination with the lymph of an Alderney cow, and subsequently exposed the animals to the chance of taking the small-

*Mr. Darby Griffith*

pox; subsequently they tried the lymph from other breeds. Had the result of the experiments been at all successful, they would have been stated long before this time. Of course, as the experiments were still going on, it was impossible to give any decisive answer about them; but he was sorry to say that up to the present time they afforded but very little hope that vaccination would extend to sheep the same benefit it extended to the human body. With respect to the utility of inoculation the hon. Gentleman had correctly stated, that the experience of the late epidemic in Wiltshire was much against it, because in those flocks where inoculation was used twenty per cent of the sheep died; whereas in those where it was not used only 1·6 died. It was a question, however, whether it would be right absolutely to prohibit a man from inoculating sheep which were his own property, provided he took the precaution of separating them from other sheep in order to prevent the spread of the disease. But that question must be considered in connection with the general question of the diseases of cattle, which would have to be examined during the recess. He might, however, observe that it was the conviction of the scientific men who were investigating the subject, that no more imprudent thing could be done than to inoculate sheep.

#### SUBSCRIPTION TO FORMULARIES OF FAITH.—OBSERVATIONS.

Mr. DODSON rose to call attention to the Petition from Heads of Houses, Professors, Present and Former Fellows, in the University of Oxford for the abolition of the requirement of subscription to Formularies of Faith as a qualification for Academical Degrees. The hon. Gentleman said the petitioners disclaimed any intention of impairing the religious character of the education given in the University, but maintained that the present requirement of subscription failed in securing religious peace in Oxford, while it perplexed consciences, and prevented persons who would be valuable members of the University from belonging to that body. The Petition had been signed by some of the most eminent members of the University, and among them were the Dean of Christ Church, the Rev. Canon Stanley, the Dean of St. Paul's, Professor Jowett, Mr. Nassau W. Senior, Herman Merivale, J. A. Fronde, and Professor Goldwin Smith. The object of the petitioners was entirely different

from that of the Bill introduced by the right hon. Member for Kilmarnock, and also from that contemplated by the Motion lately proposed by the hon. Member for Maidstone. The Bill of the right hon. Member for Kilmarnock sought to repeal the declaration of conformity to the Liturgy of the Church of England which the Act of Uniformity required to be made by fellows and tutors of Colleges. The Member for Maidstone wished to relieve persons entering holy orders from subscriptions. The Petition applied only to subscriptions required of persons taking academical degrees. It therefore affected almost exclusively members of the Church of England, and these exclusively in their lay capacity. It sought to place Oxford in a similar position to Cambridge and Dublin. Dublin exacted no tests from persons taking degrees. Cambridge in 1772 spontaneously abolished subscription on taking the degree of Bachelor of Arts. The Cambridge University Reform Act of 1856 did away with the necessity of subscription on taking any degree. The Oxford University Reform Act of 1854 put an end to the tests for matriculation, or the Bachelor of Arts degree, but left remaining the subscriptions required for the degree of Master of Arts and other higher degrees. The subscriptions now required at Oxford were two—subscription to the Thirty-nine Articles and subscription to the three articles of the 36th Canon. The Thirty-nine Articles were said, by those competent to judge, to involve no less than six hundred theological propositions. They comprised, no doubt, many abstruse points, which had perplexed the most acute minds in different ages. Many of these propositions related to controversies which were not the controversies of our day, and to which therefore men's attention was not directed. It was not easy to see how any man, who had not made controversial theology his special study, could be in a position to express an intelligent opinion as to the doctrines they involved. The Church of England did not claim infallibility, and did not pretend to impose her doctrines on her members upon her mere *ipsa dixit*. Either subscription was meant to express an intelligent persuasion on the part of the subscriber that the Articles are correct and satisfactory to his mind, or it was intended simply as a general declaration of membership, or an absence of hostility to the Church of England. If subscription implied an intelligent opinion as to the truth of the doctrines, it became in many cases,

if not a deliberate lie, a very rash profession. If subscription meant nothing more than membership of, or neutrality to the Church of England, then he thought the object might be obtained in a much less objectionable manner. Such a subscription to the Thirty-nine Articles must beget a habit of playing fast and loose with pledges. Subscription to the Three Articles of the 36th Canon was still more unreasonable. Subscribers thereby not only engage themselves to all contained in the Book of Common Prayer, but further undertook to do what laymen could not have the opportunity of doing—namely, using the Liturgy in public prayer, and administering the sacraments according to the rites of the Church of England. Such a system was morally injurious to those who imposed subscription, in so far as these restrictions could be strained or relaxed, insisted on or dispensed with, according to time or opportunity. The history of religious controversy in Oxford for the last twenty-five years was sufficient proof of this. Subscription was also mischievous as regarded the person who subscribed, because the making a solemn declaration in a loose manner must beget a habit of considering a pledge a mere form, and a promise nothing better than a conventionality. The University somewhat absurdly imposed a test of impossible stringency, and, by the lax interpretation she herself recognized, sanctioned its invasion. She showed a mistrust of her own work by exacting security from her disciples. That security, however, could not be enforced, and remained a dead letter. Thus, instead of giving strength, it was a new element of weakness. This Petition was signed, as he had stated, by most distinguished members of the University; by men who had carried off its first prizes, and not a few of whom had earned a European reputation. He would not analyse the signatures; he would only mention one fact which might serve to give the House an idea of the weight to be attached to the Petition. The present body of Fellows of the University of Oxford had among them 131 first-class men; of these not less than fifty-six had signed the Petition. He might be told, after all, this was but the Petition of a minority. That he did not dispute; but he asked the House to consider the character of the men composing this minority and also the nature of the request they made. They said subscription to these formularies was painful and offensive to them and to those who thought

with them; and unless its maintenance was shown to be vitally necessary or highly beneficial to the majority, it was but just and reasonable that the wishes even of the minority should at once be deferred to. Supposing the prayer of the Petition granted, what possible evil could be expected to flow from it? How would it impair the connection of the University with the Church of England, or the religious character of her education as teaching the doctrines of the Established Church? Tuition at the University would remain to all intents and purposes as much in the hands of the Church of England as at present. Masters of Art, as such, had now nothing to do with teaching at the University; that was altogether in the hands of professors, and the fellows and tutors, who were required to declare themselves members of the Church of England before they became fellows or tutors. It would not interfere with the securities taken on entering holy orders, and it would leave every reasonable security that now existed that persons taking theological degrees were also Members of the Church of England, because the University did not confer theological degrees except on those pronounced by the bishops qualified to enter holy orders. It must not be supposed that those who had abstained from signing, or had not had the opportunity of signing this Petition, were to be reckoned as opposed to it. This Petition had been long the subject of conversation in the University. It had been discussed in Congregation, more than once in the Hebdomadal Council, and a copy of it had been placed in the hands of the Vice Chancellor several weeks, if not months, ago. Attempts were made to get up one or more counter Petitions. Those efforts, however, appeared to have been unsuccessful, as he had not heard of any Petition being presented to the House in opposition to the views put forth in the Petition to which he was now calling attention. The effect of granting the prayer of the Petition would be to place the University of Oxford in a similar position to that of the Universities of Cambridge and Dublin, and he thought it would be admitted that the abolition of the test at these educational establishments had not had the effect of severing the connection between them and the Established Church. There was another point to which he would advert, but upon which he would not dwell. It was, how far, if the University of Oxford was to be regarded

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as a national institution, it was justifiable, by any religious tests, to prevent any man from completing his educational career there and to exclude him from the enjoyment of the honourable distinctions and civil advantages to be obtained by such a career. It was difficult to understand why a University which, although connected with the Established Church, was essentially a lay University, should require from laymen, upon taking their degrees in arts and science, a strict religious test as to their opinions upon abstract theological points. He regretted that circumstances beyond his control had prevented him from bringing forward the subject of this Petition at a period when he might have invited the House to express some definite opinion; but he had felt it to be his duty, considering the importance of the question, and the respect due to those who had signed the Petition, even at this late period, to bring the subject before the House. He earnestly entreated those Members who felt an interest in the stability and prosperity of the University to give the subject their best attention, and he hoped that many of them would arrive at the conclusion that it would be for the benefit of the University, and just towards individuals, that the prayer of the Petition should be granted.

Mr. HENLEY said, he had come down to the House that evening at some little personal inconvenience to himself, as he was rather curious to know upon what grounds the Petition which had been hanging upon the notices for so long would be urged upon the House, what was its object, and why it was to be handled in the dying hours of the Session. He must confess that he had heard a good deal which somewhat surprised him. The House would recollect that at an early period of the Session they had three distinct Motions upon the notice paper. The hon. Member for Maidstone (Mr. Buxton) dealt with the clergy, the right hon. Member for Kilmarnock (Mr. Bouverie) dealt with fellows of Colleges, and the hon. Member for Swansea (Mr. Dillwyn) dealt with the schoolmasters. So that between them they took the whole sweep of the Act of Uniformity, and dealt with subscriptions with the same sort of arguments which had been used by the hon. Member for Sussex. The hon. Member told them that the Petition had been a good while before the University. Perhaps the hon. Gentleman might have heard that there was a Petition going about the University just at



the time the right hon. Member for Kilmarnock was bringing forward his Motion. A friend of his, the Head of a House at Oxford, wrote to him at that time to say that a Petition was going about, but that he could not get to see it, and he asked him (Mr. Henley) to watch whether it came before the House. Something had been said about Convocation, but surely the hon. Member did not mean to tell the House that the Petition, or anything like it, had been before Convocation? The hon. Member must know that Convocation met and affixed the seal of the University to a Petition against the measure of the right hon. Member for Kilmarnock, and generally against all those schemes. But the Wandering Jew was said to be abroad at Oxford, and everybody heard of another Petition which no one could see. He had himself heard of it, but he could never see it, nor any one who had seen it. There was an old proverb that "good wine needed no bush," but he could not see how all those distinguished men whose names the hon. Member had mentioned would be benefited. Did the hon. Member think that he could make the name of the Dean of Christ Church higher by quoting him as one of 107, or could the name of his old friend Dr. Daubeny be made higher by such a circumstance. Out of the 107, two of the signers were undergraduates with himself—Dr. Daubeny and Mr. Senior; in fact, the latter had ceased to reside when he entered the University. Thus it appeared that to collect the 107 names the ground of half a century had to be gone over by the promoters of the Petition. What reasons had the hon. Member given to induce them to consider any proposal in the spirit of the Petition? What the course had been at Cambridge or Dublin he could not say; but this much he did know, that nine years since, when the University of Oxford was reformed, it was decided in that House that the governing body, composed of masters, should make the subscription. The hon. Member had told them the subscriptions were made in a vague manner, and also that the gentlemen who had signed the Petition said that the subscriptions were hateful to them. But did the hon. Member mean to say that those gentlemen had themselves made subscription in a vague manner? That would be rather an interesting matter to know, in order that they might be able to judge of the authority due to those gentlemen. But 107 Masters of Arts out of

3,500 had signed the Petition. The right hon. Gentleman opposite (the Chancellor of the Exchequer) knew more about the composition of the University than he did; but he believed the number of masters ranged between 3,000 and 4,000. Surely 107 was not a large number out of such a body. But then it was said they made up in quality what they wanted in number. If a tavern-keeper were to say, "I will give you a smaller quantity of wine, but it shall be of superior quality," the public would not frequent his house, because, they would say, "We prefer to have both quantity and quality." There were some remarkable facts to which the hon. Member had not adverted. Almost at the time when the Petition, which no one could see, was going about in the hands of the Wandering Jew, a body of some 1,000 undergraduates and bachelors signed a Petition in a contrary sense. That portion of the members of the University who were about to come under the subscription did not seem to think the requirement was so very onerous or grievous. The hon. Member had said that no one should sign the declaration or subscription who was not up in controversial divinity. How far was that argument to be carried? Was no clergyman to sign unless he was well up in controversial divinity? In that case he thought we should get a very queer set of clergymen. He did not think that those most versed in controversial divinity would make the best clergymen. But, after all, the fact was, those distinguished men, beginning at Dr. Temple, Dr. Stanley, the Dean of Christ Church, Dr. Pattison, and going down to Dr. Colenso, were setting up a new school. Dr. Temple had laid down the principle that there is no faith without reason, and all the others were acting on what the Americans called the same "platform." That was raising a distinct question. It was, no doubt, hard to subscribe to all things, but there were also difficult things in the Belief which was taught to children, and in Confirmation, and in the Administration of the Sacrament, and yet it was said that the only stumbling-block was in signing the Thirty-nine Articles. It seemed odd that the hon. Member should contend that a mere Motion to do away with subscription would not give the governing power of the University into the hands of "Turks, Jews, and heretics." In the Petition the Dean of Christ Church disclaimed any interference with theological teaching. Now, who could suppose



that the Dean of Christ Church, a dignitary of the Church, would ever think it necessary to interfere with theological teaching? It did seem odd, and one was reminded that those who excused themselves were sometimes said to accuse themselves. No one would think that the Dean of Christ Church wished to remove reasonable securities against any attempts to impugn the doctrines of the Church. From all that he could gather from various sources, he believed the real history of the Petition to be this:—Those who got it up first tried their hands at a Petition in favour of the measure then before the House, but they found it would not do, because the number of signatures they could obtain was so few. The promoters then thought they would draw it a little milder, and taking advantage of the immense congregation of people in Oxford at the time of the visit of the Prince and Princess of Wales, they contrived to get 107 signatures to the Petition from people who had belonged to the University during the last half-century. It seemed to him that the memorialists, although there were among them some great men—there being thirteen professors, including two of the Essayists and Reviewers—Dr. Temple and Dr. Pattison—were altogether a curious party. He did not see what object the hon. Member had in bringing the subject forward, except it was to afford them a little amusement on one of the last days of the Session, for no practical result could ensue; and, for his part, he entered his protest against any steps in the direction indicated by the Petition.

Mr. GOSCHEN said, he would admit that there was a similarity between the prayer of the Petition and the Motions which had been submitted to the House by the right hon. Member for Kilmarnock (Mr. Bouverie) and the hon. Member for Maidstone (Mr. Buxton), and that they raised one broad issue. [Mr. HENLEY: Hear, hear.] He was willing to meet the right hon. Gentleman upon that issue in its fullest sense—the issue being whether a system of tests was injurious or otherwise to the interests of the Church of England. As he admitted the sincerity of the motives of the right hon. Gentleman and his party, and credited them with every desire to support and maintain the Church, so he begged that he also and those who acted with him might be generously judged, and that it might be thought, that in any measures and Motions they supported they had the interests of

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the Church at heart. They believed, however, that the interests of the Church were better served by relying on her native strength than by the interposition of those tests and artificial measures which a weak Church might require for her defence, but which a strong Church ought to dispense with. Were not the members of the Church, he would ask, practically a defined and acknowledged majority of the nation, and had they not exercised an ascendancy and supremacy for two hundred years which ought to have rendered them unassailable? The chief power of the State was in their hands, and therefore let them trust the Church, and not let it go forth to the world that they feared, if a few Dissenters or Roman Catholics entered the Universities, their Government would pass from their hands and the Church of England be injured. The issue which all these measures raised was—whether the Church required that rigid system of tests. Let them assume that the system of tests had so far worked well; the question then arose whether the circumstances of the present day were identical with those of times past. Fortunately or unfortunately, the fact was that there existed a greater spirit of inquiry, more independence of judgment and individuality of thought; and a system of tests that could be applied when men, rightly or wrongly, followed leaders more than they now do, was injurious when every man thought for himself. With that increased tendency to inquiry, accompanied as he thought with greater conscientiousness, it was more difficult than it used to be to get a man of any abilities to sign the Thirty-nine Articles. There was a time when a man would sign them on the authority of a friend, a tutor, or a parent; but now, at the Universities, men were encouraged to study divinity; and they were told beforehand, “If you do not arrive at a certain result, if you find fault with one of these Thirty-nine Articles, if you find any flaw in them, then you shall not have a degree.” The natural result of enforcing such a system must be to discourage theological discussion—the object of the right hon. Gentleman opposite, who said, “We do not want a controversial clergy.” He replied that “As a Churchman I do want a controversial clergy; we require men to be powerful enough to grapple with the adversaries of the Church;” and there was a party in the Church who said, “If the Church is still

to maintain its supremacy, as it can do and will do, it is necessary that its defenders should fight with somewhat different weapons from those they have hitherto used; but if you discourage theological study, if parish priests are not to acquire intellectual proficiency, if you will not admit amongst them men capable of taking part in controversies, there is less hope for the Church." It was no easy thing to sign the Thirty-nine Articles, embodying so many propositions; and he doubted whether hon. Gentlemen who spoke so glibly about them had studied them closely and given their intellectual belief to every one. Hundreds of persons had signed them, not against their consciences, but carelessly; but now if an undergraduate came to his tutor and said, "This is a point I can't get over," the reply would hardly be "Yours is a morbid feeling; we used not to have these scruples." In his opinion, it was not necessary, to be a stanch member of the Church of England, that a man should implicitly believe every one of the Thirty-nine Articles. As to the small number of names attached to the Petition, he accepted the simile of the right hon. Gentleman, and would say that he preferred a good glass of wine to gallons of negus. Small in number though they might be, those who had petitioned the House were men of the greatest weight and authority. Everybody knew that it was much easier to rally for the defence than for the attack; and if you could raise an alarm among the non-resident members that the Church was in danger, as many names as you chose might be obtained. While on this point, he would say that it was little to the credit of the other party at the University that they had encouraged undergraduates who had not studied the Thirty-nine Articles to sign the counter Petition. Such a document could have no weight with the House, and was a weakness instead of being a strength to the cause; while to have a hundred picked men signing the Petition before the House showed a very considerable unanimity of opinion among a very influential body of men. So far he had treated the question from a Church point of view, as it could not be too often repeated, or too widely known, that there were good and stanch Churchmen, men quite as devoted to the Church as hon. Gentlemen opposite, who believed that a system of tests was injurious to the Church.

But he would now ask the House to

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consider the question from the point of view of the Dissenters. The question was, whether Dissenters could be relieved from a grievance, while at the same time the Church was strengthened? It had been said, that if a Dissenter went to the University, it did not signify whether he afterwards wrote M.A. to his name. They might as well say, what did it signify if he could not put M.P. after his name? The question was, could he through life remain a member of the University? It was not fair to say it was not a grievance he should be excluded. A Dissenter who went to Oxford remained under a certain sense of inferiority, and far from being won over by the influence of the Church, as he might be, and as a friend of the Church he was bound to believe he could be, a spirit of antagonism was excited in him smarting under a sense of grievance, and he became an opponent instead of a friend of the Church. It was notorious that at Cambridge Dissenters who had gone there had imbibed more or less the doctrines and the tastes of the Church of England, but what influenced them there was that they could not become fellows. Here he might observe that very ungenerous things had been said of a Dissenter who had lately been Senior Wrangler there—namely, that he had only refrained from subscribing because he desired to keep up a Dissenting grievance. He knew that that imputation had caused considerable pain, but the real motive of the conduct of that gentleman was, that out of a regard for the Dissenters, from whom he sprang, he did not wish, at a moment when a pecuniary advantage would result to himself, to abandon his previous opinion, though he was nearly won over to the Church of England. Thus the present system was certainly against the interests of the Universities, as they lost good men and the opportunity of exercising a softening and conciliatory influence. The question seemed to lie between the principles of inclusion and of exclusion. Every party that became really strong became so by the principle of inclusion. If, in the present days of inquiry, they continued to enforce in respect to the Church of England a rigid system of tests, the days of the Church of England were gone; but if the Church relied on its truth and purity, he could not but say that the Church of England might still flourish and become stronger and stronger every day. He did not wish the Church to retreat, but he wished it to defend its position

on the unassailable heights of revealed religion by the force of reason, and then it might defy the assaults of rationalism.

LORD ROBERT CECIL said, that one inconvenience in the mode in which the question had been brought forward by the hon. Member for Sussex was, that hon. Members did not exactly know what it was they were called upon to discuss. The hon. Member for Sussex asked for a limited measure of relief. He desired that subscription should be abandoned in the case of Masters of Arts only. The hon. Member for the City of London (Mr. Goschen) went farther, and desired that subscription should be abolished altogether. He could not agree with the latter hon. Member when he said that it was a question between exclusion and inclusion, and that all success was achieved on the principle of inclusion. As he understood the hon. Member, he seemed desirous to set up a coalition church. There had been coalition ministries, which had extended the principle of inclusion very widely, but he did not know whether their success had been so brilliant as to warrant the extension of the principle to ecclesiastical matters. The answer to those who wished to abolish tests in the Universities altogether was, that if they had their way, the Universities for which they sought to legislate would simply cease to exist. Let the House imagine the state of things that would follow the adoption of such a measure. Suppose tests abolished, and fellowships and tutorships thrown open to persons of all faiths and religions, what would be the effect of such a proceeding on the simple-minded people of England? Placards of special sermons would announce that the Rev. Rabbi Moses So-and-So, Senior Fellow of Christ Church, was about to preach at such and such a synagogue; that the right rev. the Bishop of some place *in partibus*, Fellow of Christ Church, Oxford, would preach somewhere else; or that a fellow of some college would preach in the Essex Street Chapel to prove the absurdity of all the articles in the Nicene Creed. Conceive what would be the state of mind of an ordinary country gentleman and of those persons who send their sons to the Universities. They would immediately infer that their faith, which they wished to keep alive in their children, would be in danger at the University, where religious teaching was in such hands, and they would be careful to find some other educational instrument, which had not the misfortune to be under

the control of the House of Commons and under which the religion of their children could be kept intact? If it were simply a question whether a man should be allowed to put the letters "M.A." after his name without signing a religious test, that would be an exceedingly unimportant matter; but that was not the proposition. It was proposed that the degree of Master of Arts, with all the powers and privileges attached to it, should be given to any person of any religion, who would thus form part of the governing body which decided what should be the education in the Universities connected with the Church of England. It was in the power of Convocation absolutely to remodel the whole system of education in the University, to decide that any particular religion should be taught or excluded, or to determine that religion should be set aside altogether. Consequently, if those who were opposed to the Church of England were allowed to govern the religious teaching in the University of Oxford, it followed that it would be in their power to sever the University from its connection with the Church. He knew he should be told that these parties were few in number, and could not seriously affect the decisions of Convocation; but precisely as it was the duty of Parliament not to allow a foreigner, alien to the allegiance of Englishmen, to become a Member of the Legislature, so it was the duty of the Convocation of the University of Oxford to keep out of their body all aliens to that religion which it was their highest function to teach. The hon. Member for Sussex said that he did not desire to trench on the tests which excluded certain men from being Fellows; but the Petition which had been referred to said it was desired that persons whose talents might be of great service to the University should not be prevented from giving to the University the advantage of those talents. But how could they be connected with the University in any official capacity except as being engaged in teaching at the University? Those Dissenters who desired to take the degree of Master of Arts without signing the Thirty-nine Articles either wished to teach in the University or not. If they did not wish to teach, the affair was but a slight matter with them; but if they wished to teach, the whole of the tests must be removed before they could reach the object of their ambition; and then the proposal of the hon. Member for East Sussex lost the innocent character it bore in his hands,

and became identified with the Bill introduced by the right hon. Member for Kilmarnock. He felt convinced that all these propositions, great or small, moderate or extreme, whatever the object of those who brought them forward, could have but one end, and that was the severance of the Universities from the Church of England.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I listened with the greatest interest to the able speech of the hon. Member for the City of London (Mr. Goschen), and I take this opportunity of congratulating the House upon the accession of a gentleman of so much ability and distinction to our ranks as the successor of one who enjoyed the respect and regard of the Members of this House in a degree not exceeded by any one within its walls. The hon. Gentleman has spoken in a manner quite in keeping with his high reputation, and though persons might differ from some of the hon. Gentleman's opinions, we must all admit that his speech was characterized by a spirit not only of fidelity, but of warm loyalty to the Church of England. The hon. Gentleman, however, and others, as the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), seemed to me to treat this question as if a much broader issue had been raised in debate than was raised by the Petition, or the interpretation which my hon. Friend the Member for Sussex put upon it. Most of the remarks that we have heard in this debate have referred to a question which is indeed a very wide and very profound question—namely, whether there ought to be in the Church of England any system of religious tests. Some part of the declarations of my hon. Friend seemed to me to be directed against the exaction of any test. I must confess that I do not myself comprehend how you are to separate the essence and the principle of tests from the propagation and the maintenance of a system of religious truth, which purports to be revealed, which is essentially definite, and which is to live in the world. It seems to be like dividing the bone and flesh, and vitality itself must necessarily escape in the severance. Let us look at the illustration afforded of this matter. As far as we know anything of the Christian system, it does appear that that which we now call the Apostles' Creed is a document in its substance belonging to the Apostolic age, or to a period immediately subsequent; and what in practice is the Apostolic Creed but a test?

It is a very mild test, and very happy were the circumstances of the Church when a test so mild would suffice. But I want to draw attention to two questions involved in this discussion which appear to me essentially different and distinct. The one is, are we on principle to say that all tests are a grievance to those without as well as injurious to those within the Church? The other question is, are we to say of this or that particular test, it is a test which is cumbrous, unnecessary, and oppressive, and your system of tests ought to be simplified and reduced? The first is one which I confess myself wholly unprepared to grapple with, or rather I should be prepared to make strong objections to that doctrine which condemns all tests on principle, because, as I have said, I cannot conceive how you are to separate them from any system of Christianity. The other is a question which appears to me to be a very fair one for discussion according to the times and circumstances. What is the effect of the Petition before us? The Petition states, "Your Petitioners, therefore, humbly pray that the requirements of subscription to the formularies of faith as a qualification for academical degrees may henceforth be abolished." I admit that the effect of that prayer is different according to the sense in which it is interpreted. If the Petition is intended to imply that those who are to receive academical degrees without subscription to the formularies of faith as a qualification are to go forward and exercise all governing functions in the University, that, I admit, raises a practical question of the utmost difficulty; nor do I know in what manner it would be possible to govern Universities constituted like those of Oxford and Cambridge upon the principle of a general mixture of belief in the governing body. I do not now say whether in particular professorships with particular qualifications, it might not be possible for the University to devise some exceptional system for individual admission. I speak of the general character of the governing body, and I must confess that it appears to me a fair and just demand on the part of the Church of England that the governing body in her University and her Colleges should be composed of her members. The system of the Universities is one which involves full and plenary responsibility, not merely for the instruction in the narrow sense of the word, but for the moral training and the entire formation of the character of the youth committed to their

charge. I will not stand upon any abstract principle of an abstruse character, but I will say these two things—in the first place, I think that the parents of England will not be satisfied to send their children for academical training to an institution calling itself a University, and professing to take charge of their whole life, and the formation of their whole moral character, unless they be convinced that it is administered in conformity with some definite religious system. I lament extremely that in the case of a University, and especially an ancient University, full of splendid and venerable traditions, any fraction of the population should be excluded from any portion of its benefits; but if it be true, as I believe it is true in the main, that the religious system of the Church of England as administered in the English Universities is suitable to the wants, feelings, and convictions of, perhaps, nineteen-twentieths of the community who are in a condition to avail themselves of University education, I say we must consider the case of those nineteen-twentieths first and in preference to that of any minority which is numerically small. I have spoken thus far of what I think seems to be the justice and fairness of keeping the governing body of the universities in the hands of members of the Church of England.

But my hon. Friend the Member for Sussex, who presented the Petition, did not, after all, raise any question with regard to the composition of the governing body of the Universities. If I understood my hon. Friend rightly, he stated that the object of those who signed the Petition is to establish in Oxford the system which is established in Cambridge and Dublin. With regard to the establishment of that system in Oxford, I must say, in passing, that I should be very sorry to see the intervention of Parliament used at the present time, except under an urgent necessity, for the purpose of effecting a compulsory change in the regulations of the University. I frankly own that I am of opinion an improvement in those regulations might be made, but I think it most desirable upon every ground that that improvement should rather owe its origin to the spontaneous and enlightened convictions of the University itself than to an invocation of the arm of the State. I am disposed to regret, therefore, that these petitioners should not have made their appeal to the University before coming to

*The Chancellor of the Exchequer*

Parliament. But to come back to the object of the petitioners, I treat this as a Petition praying that the subscription to the formularies of the faith as a qualification for academical degrees henceforth be abolished, exclusive, of course, of theological degrees; and then I ask myself what it means? If it means the adoption of the system that prevails in Cambridge, I am by no means prepared to determine in my own mind how far a change of that kind would give satisfaction to persons outside the communion of the Church of England. It may be that it is hardly possible to content the views and expectations of all, but at the same time I think the fair principle to act upon is this—that we should reserve to the University and the Church of England in the University all which is really necessary for the effective prosecution of the purposes of the institution, including, of course, above all others, its religious purposes; and while maintaining that principle, to make every other practical concession to those who are without. I confess I do not know upon what principle, strictly speaking, to justify the present state of the subscription at Oxford—and upon this ground, not merely that there is an exclusion of Dissenters from the honour of degrees to which they might, without injury to any one, be admitted, but likewise because I am doubtful about the authority and wisdom of the use of the Thirty-nine Articles as a test of lay communion with the Church. This is a matter of fact—that there is no office, or place, or emolument, unless it be one flowing indirectly through University degrees, to which a layman of the Church of England is obliged to declare his acceptance of the Thirty-nine Articles as a condition of exercising any duty or function to which he may be called. I confess I feel great force in the objection urged by the hon. Member for London to the unnecessary complexity of tests. I do not think that the Thirty-nine Articles were framed in any vexatious spirit. On the contrary, they were framed, I think, with great moderation and even freedom of spirit, considering the circumstances of their origin. At the same time, it is a serious question whether this body of Articles can be said to form a fair and legitimate test, excepting for those who are to be the ministers of religion in the Church. If there were anything in the law or custom of the Church to show she

intended that these Articles should be exacted from lay members, that would be a point of importance; but I cannot find that there is any such principle belonging to the Church as a Church, and there is certainly none such belonging to the constitution or law of the land. In fact, this requisition grew up within the University itself. If the right hon. Member opposite (Mr. Henley) were to put to me the question he addressed to the petitioners, "Are you sore?" I would answer frankly, "No, I am not at all sore under the subscription." I deem myself entirely bound by it, and I am now discussing the question without the least reference to any personal grievance, and simply on grounds of general expediency. I must say, it is not easy to find a justification for exacting from lay members a test so wide as that which consists of the Thirty-nine Articles and the three articles of the canon law. With respect to the question, whether the test now taken upon masses of words ought to be taken from all persons, I know no reason why we should not adopt that system which has been adopted, and I believe works well, in the University of Cambridge; but then comes the question, what test should be applied to those who are members of the Church of England? I have been proceeding all along upon the supposition, that if you are to reserve the power of acting in the governing body to members of the Church of England, that fact must be ascertained by some test, and the question would be what test is the proper one—whether a simpler test than the present one would not be more appropriate and more in consonance with the general spirit and law of the Church of England. I confess I am of opinion that an improvement might be made in that direction in the present system. The right hon. Gentleman the Member for Oxfordshire referred to the 107 persons who have signed the Petition, and appealed to me on the proportion they form of my constituents. I believe that the number of the constituents I have the honour to represent is very close upon 4,000, but it would not be quite fair to speak of the 107 as gathered out of the 4,000. As I understand it, they are gathered out of that portion of the 4,000 who have at some period been either teachers or fellows of colleges at the University. That is certainly a very much smaller body—perhaps numbering six or eight hundred—but there is no question, on the one hand,

that the 107 names comprise a very large proportion indeed of the ablest and most distinguished men; and on the other, that they are a decided minority even of that special class of the constituency from which they are selected. If, however, we are to take age into account, and it be our duty as Members of Parliament to consider not merely the past but the future, they are certainly a growing minority; they are possessed of a weight much beyond that which their mere numbers would indicate, and almost every year makes sensible additions to their numbers. As I have said, I am the last person to invoke the intervention of the State in the management of the University. On the contrary, I desire that that intervention should be limited to the fewest and the gravest occasions. The free action of their governing bodies is of the utmost moment to the welfare of the Universities and of the country; but I do, I confess, arrive at the conclusion that it might be for the peace of the University, as well as the means of attaining other advantages, if the University herself were to consider the question whether the present state of her subscription is that which is most agreeable to her interests and to the purposes for which she exists. These are views which I am far from pretending to say can be expected to make a complete settlement or to give entire satisfaction to all classes of persons. Those who object to the principle of tests appear to me to make demands which it is impossible to concede without surrendering in substance everything that is essential to the vitality of the Church and of the University; but, on the other hand, I am disposed to think that the present state of the law and practice of the University admits of improvement. The right hon. Gentleman opposite (Mr. Henley) treated the question as one that had undergone full legislative consideration in 1856, but I contend that such was not the case. The desire of the Government of that day was to exclude altogether from the Bill of general reform which they introduced the subject of religious tests, not because all or most of the members of the Government were not of opinion that there was need of change, but because they thought that the mixing up of religious questions with the general topics of University Reform they had to discuss would not be satisfactory to Parliament. It was against the will and the votes of the members of that Government, that in one of the last stages of that Bill



the House, by a large majority, carried a forcible alteration on the state of subscription at Oxford. But what was done then was done somewhat hastily, and was not the result of any deliberate arrangement or compromise. That it was not regarded as a matured decision of Parliament may, I think, be inferred, among other circumstances, from this—that when, a few years afterwards, a Bill was introduced for the reform of the University of Cambridge, it was founded in that respect on the principle that all the degrees, except the theological ones, should be accessible to all persons without distinction of sect. I believe that, upon the whole, was the wiser system. I do not mean to say that the present arrangement presses with severity, but certainly I think it is a matter which well deserves the consideration of the University of Oxford, both on the sound and just principle that she ought to extend her advantages as far as possible without vital injury to her own essential principles and likewise upon the ground that even as regards the status of lay members a system of tests less complex than that now in operation would be more in accordance with the spirit and purposes of the Church and the University.

MR. LYGON observed, that the Chancellor of the Exchequer had identified himself with the petitioners, although he had endeavoured to reduce their demand to the narrowest possible dimensions. He (Mr. Lygon) concurred with the noble Lord the Member for Stamford (Lord Robert Cecil) in thinking that it was extremely inconvenient to discuss a subject of such grave importance without having a definite question submitted to their consideration. The prayer of the Petition was that those who had religious scruples to professing their belief in the Thirty-nine Articles should have the right of affixing M.A. to their names without subscribing to any religious formulary. Now he (Mr. Lygon) could not see what good object was to be gained by the adoption of such a change. If any advantage were to arise from it, it would be one infinitesimally out of proportion with the evils that would be created by disturbing the present relations of the University of Oxford and the Church of England. It was said to be painful and humiliating to persons who did not belong to the Church to be checked in their academical career on that account; but he did not see how the difficulty would be met by merely moving the restriction a

stage further, and, while admitting Dissenters to the M.A. degree, denying their admission to Convocation and any share in the government of the University. It was due to the public that the circumstances of the Petition should be fully understood. The Petition had been talked about in the latter part of last year, but the knowledge of the terms of the Petition and its exact prayer was confined only to those who were known to be friendly to its object. Towards the close of last year, a manuscript copy of the Petition was intrusted to the Vice Chancellor. Its terms, however, were not spontaneously given to the public generally. There were 107 signatures to the Petition; but one gentleman, in his enthusiastic zeal, signed twice, and the real number of the Petitioners was 106. He had taken the trouble of examining into the relative proportions of residents and non-residents. He found that forty-eight were non-resident, and that of these some had left the University at a rather remote period. Eight of the Petitioners were still in *status pupillari*—that was to say, though entitled to write the magic letters B.A. after their names, they had not yet obtained the degree of Master of Arts. A few of the Petitioners, though called Fellows, were only probationary Fellows when they signed the Petition, so that the number of resident members of the University signing the Petition was only fifty. Now, he readily admitted that a Petition, signed by fifty resident members of the University engaged in the work of education, was entitled to great respect at the hands of that House; but it ought to be understood that they spoke for themselves, and themselves only, and that they could in no way be held to represent the University at large. He thought, moreover, that the House would establish a very dangerous precedent if it encouraged a small portion of a body which, like the University of Oxford, had the power of regulating its own affairs, to appeal to the superior authority of Parliament, instead of availing itself of the more legitimate, and regular means at its disposal for obtaining assent to its views. With regard to the general question of subscriptions or tests, he thought it should be borne in mind, that if they were to teach revealed truth, they must have, as the Chancellor of the Exchequer observed, some test for the purpose of ascertaining the religious opinions of the teachers, whether it took the form of subscription or of discipline.

They might abolish the existing system of religious subscriptions, but in so doing they would not promote peace and harmony; he felt, on the contrary, that the system of subscription had been one of the most effectual means of preventing undue religious animosities. The recent state of religious opinion seemed to him to afford a very forcible proof of the accuracy of that conclusion, because as long as there was no question as to the meaning of the subscription the system worked well, and the University and the Church continued most closely united. But since measures had been taken to render that meaning as vague and confused as possible, religious discord and acrimony arose, and it became necessary to evoke the aid of the tribunals to settle the dissensions in the Church, and supplement the work which subscription was intended to perform. If subscription were abolished, they must replace it with a much more rigid and distinct system of ecclesiastical discipline than had ever yet been attempted in the Church of England; and he left it to the House to decide whether such a state of things would be likely to insure religious harmony, or to promote the interests either of the Church or of the University. Something had been said in the course of that discussion as to the Universities being places of national education. No doubt they were so in some sense, and he trusted the day would never come when they would wholly cease to be places of national education. But the reason why they had been places of national education was that they had commanded the confidence of the people of this country, and they commanded that confidence because they taught a definite system of religious truth. He believed that if they dispensed in the Universities with the necessity of teaching the system of religious truth inculcated in the Church of England, they would at once shatter the confidence of the people in those great educational establishments. The hon. Member for the City of London said that they ought not to distrust the results of their own education over young men who spent three years at a University, surrounded by those special Church influences which those establishments supplied. But the hon. Gentleman stated only one-half of the case. It was not the mere prospect of writing "M.A." or "B.A." after people's names that induced them to enter the University. The honourable distinction and the civil advan-

tages which attended the acquisition of University degrees formed a powerful attraction in that case. Many men went to the Universities from the very legitimate and honourable desire of obtaining a share of their endowments; and if there were no chance of participating in those endowments, and of directing the education of the country by means of the possession of a degree, there would be no necessity for enforcing any test or taking any measure to ascertain that those who gained that distinction were members of the Church of England. But so long as those advantages attached to a University degree, it was only right that the University should exact from those whom she had educated some proof that her teaching had not been altogether futile, and that her words of wisdom had not been thrown away. He would not enter further into the merits of the general question; but he trusted it would be understood that the Petition was signed by a very small minority of the resident members of the University, and that that minority had never ventured to apply any test which would enable them to ascertain what was the general feeling of the University upon that subject, and still less what was the feeling of the larger body of Convocation. He had one other observation to make with respect to the Petition. He found that it was signed by 106 members of the University, and that seventy-three of those members were laymen. Now, any alteration in the relations of the University of Oxford to the Church of England was a matter in which the clergy might be expected to take a very considerable interest; and it was important they should remember that they had no good reason to believe that the Petition represented the wishes or opinions of the clergy of the Church of England. For his part he felt persuaded that it would be an evil day for the country in which anything should be done by that House to sever the connection between the University of Oxford and the Church of England; it would be a misfortune for the Church, but it would be a still greater calamity for the country at large.

MR. GRANT DUFF: Sir, an elaborate analysis of the Petition which we are just discussing has just been placed in my hand. It is too long and too complicated to read to the House, but it proves—what, indeed, I knew well before—that these 106 consist of the very *élite*, the blue blood of the Oxford constituency. Since the fate-



ful year 1845, when the great secession took place to Rome, under the leadership of the illustrious Newman, there has been a steady reaction in Oxford towards Liberal principles. Surely everybody knows that at the present moment five-sixths of the men who get fellowships belong to the Liberal party, and would abolish tests, if they could, to-morrow. The assertion of the noble Lord opposite, that the University of Oxford would dissolve or come to an end, if tests; were abolished, sounds strange indeed to a Scotchman. Why, in the Scotch Universities we have not got these precious tests; and although religious dissensions in Scotland are proverbially bitter, we do not find that the absence of tests make our Universities less peaceable and agreeable places to live in—nor do we find that the students receive a bad education in consequence of the absence of tests. Again, if the abolition of subscriptions would be so fatal to Oxford, how is it that nine-tenths of the literature used by the young men there comes from Universities where there are no tests? Whence comes our best classical books? whence our best philosophical books? whence our best historical books? nay, whence our best theological books, orthodox and heterodox, the bane and the antidote, as the phrase is? Don't they all come from Universities where there are no tests? But before I sit down, I wish to congratulate the House on the speech of the right hon. Gentleman the Member for the University. It is only a crumb of comfort, and not a very large crumb; but still, as the Liberal party has starved for two Sessions, it is something to get even a crumb. On the second night of this Session I called the attention of the House and the party to the fact that the Government programme did not contain one Liberal measure, properly so called, and the performance of the Government has, to do it justice, been quite in keeping with its programme. I want to ask how long this state of things is to continue. Are not we Liberal Members supporting a negation? Is it not a sort of practical falsehood, that a Government should sit year after year upon that bench, calling itself a Liberal Government, but really, as it would seem, existing chiefly to put a spoke in the wheel of Liberal measures. How is my hon. Friend the Secretary of the Treasury to keep the party together? The great politico-economical questions which have been 'of the order of the day' for the last twenty

years have, as their apostle, the hon. Member for Rochdale told us recently, been definitively and satisfactorily settled as far as regards this country. Well, then, if Reform is not to be meddled with, and there seems no chance for the present of re-suscitating that question—if, I say, neither Reform, nor any of these religious questions to which the Government has been giving the cold shoulder this Session, are to be taken up by us, what in the name of wonder are we to do? Are we to be bound together by personal ties to the Gentlemen upon the Treasury Bench? If so, it is rather a pity that some of them have no very strong claims to our personal attachment. What is to happen when an event occurs, which in the nature of things must one day occur? How is my hon. Friend the Secretary of the Treasury to gather us, the rank and file of the Liberal phalanx, around any successor who may seek to ascend the vacant throne of Alexander?

MR. NEWDEGATE said, that the question on which the debate really turned was one of very great magnitude. He felt bound to tender his best thanks to the hon. Member for the City of London, for his very manly and frank declaration of the objects of the movement for the alteration of the formularies of the Church. The hon. Gentleman said, that in these days there was more individuality of thought and a greater spirit of inquiry than had prevailed in former times. Now, he (Mr. Newdegate) was inclined to dispute that opinion; but if the spirit of inquiry was to end, as the hon. Gentleman suggested, in the Church's changing her position, they ought to pause before they adopted any course which was calculated to lead to so great a change. There was once a country gentleman who was also a scholar and a man of refined taste, who suggested this grave question, "What is the Church?" That gentleman was Evelyn, who, in the year 1688, on finding that the word "church" was used with such various meanings, and produced confusion in the minds of the people, warned his friends that they ought to come to some understanding with respect to the sense in which it should be understood. It was because he (Mr. Newdegate) wished to see the Church trustworthy, that he was jealous of any abandonment of her declarations, her subscriptions, or her tests. The hon. Member for the City of London set so high a value on the opinion of the minority in the University of Oxford that he invited the House

to make that minority the governing body in that University. [*A gesture of dissent from Mr. Goschen.*] The hon. Gentleman surely had proposed that the suggestion of the minority should be adopted by the Legislature for the government of the University, without reference to the opinion of the majority of that body. But that brought him (Mr. Newdegate) to observations which fell from the Chancellor of the Exchequer. The right hon. Gentleman had thrown it out as a subject well worthy of consideration, whether they should not have for the laity some test of churchmanship which would not be the Thirty-nine Articles, and which would differ from that which the clergy should be required to subscribe. He would still require from the clergy a declaration of their assent and consent to the Thirty-nine Articles, but he would exempt the laity from that declaration. Let the House consider for a moment the magnitude of that suggestion. The Church of England held that the laity formed in their appropriate sphere the body of the Church, and that no clergyman was more a churchman than a layman: if the legislature were to establish a distinction between the churchmanship of the laity and the clergy, they would at once approach the position of the Church of Rome, which held the clergy to form the governing body of the Church in all matters relating to religion, and the laity to be only their subjects. He need scarcely say that he was no advocate for such a change. It was well known in that House that he valued equality of the laity with the clergy in churchmanship, and for the purpose of government, more highly than most Members; or, at all events, as highly as an Member of the House. Attempts to unduly simplify tests very frequently led to interminable confusion. He was glad to be able to think that the House and the Government had virtually come to the decision that they would not, without far more consideration than they could then give to the subject, offer even a recommendation that the only University in this country which remained limited to members of the Church of England should be opened to persons holding any other religious opinions. The University of Cambridge and the University of Dublin had given up the subscription in the cases referred to, and had been thrown open to other denominations than the Church for the purposes of education. It was not, he thought, too much to require that there should be left in Oxford one great

educational establishment to which the Protestant laity of the Church of England might send their children with the conviction that they would be brought up in the doctrines and discipline of the Established Church. Had Oxford suffered from the existence of the tests? Experience showed that the alleged limitation of the spirit of inquiry did not practically exist: if there was danger, it must be attributed to the latitude of speculative opinion now publicly indulged, not to restriction. He rejoiced to say that the University to which he belonged had not suffered. They might see what was the feeling of the nation on the subject when they compared the position of the University of London, in which no religious tests were required, with that of Oxford. The trial had been fairly made, and it had been clearly shown that there was no probability of the University of London rivalling those of Oxford or of Cambridge in the estimation of the country. Why, then, should hon. Gentlemen seek to reduce Oxford to the level of London University? He repudiated the idea that these declarations or subscriptions were generally accepted without being understood by those who took them. For himself, he could say that there was no branch of study in which he so much prepared, or in which he was so severely examined, as the question whether he understood and could accept these declarations. He trusted the opinion in favour of the change would not expand as was hoped, though he admitted that those who advocated the change were an active party, and that they had an energetic leader in Dr. Stanley; but he believed, that when the attention of the great body of the Masters of Arts had been aroused to the question, the strength of the feeling against the change now virtually proposed would be made manifest, and that this would show the value they attached to the existing system.

MR. BUXTON said, he was surprised at the remarks made by some hon. Gentlemen as to the manner in which the Petition had been got up. The intention to present it had been the subject of general conversation at Oxford; and those who took the opposite view of the question had ample opportunity of preparing a counter Petition if they thought proper. He agreed with the Chancellor of the Exchequer that it would be more satisfactory if the University herself made the proposed change, instead of coming in the first place to that House; but then it was extremely

doubtful whether the University would have any power to legislate on a subject of the kind. Again, there was naturally a very conservative feeling among the members of the University, and it was next to impossible to introduce reforms in such bodies without external assistance. For himself and his friends who advocated that and kindred improvements, he disclaimed being actuated by any other motive than the conviction, that if carried out, they would not only not weaken the Church of England, but would rather strengthen her and ennoble her character and position in the country. The noble Lord the Member for Stamford must have been very hard up for arguments when he warned the House not to accept the proposal of the hon. Member for Sussex because its ultimate result might be to astonish the minds of country gentlemen. It was not to be supposed that any ordinary country gentleman would send his son away from the University merely because he happened to hear that the Rev. Mr. So-and-So, M.A., was going to preach in a Dissenting chapel. The practical question at the bottom of the discussion was as to the admission of Dissenters to the Government of the University. He could not help thinking, however, that nothing could be easier than to make an arrangement similar to that existing at Cambridge, by which the governing power should still be retained in the hands of Members of the Established Church. But even if they should admit a few Dissenters into the governing body, he did not believe that any danger would result to the Church teaching of the University. As the Chancellor of the Exchequer said, nineteen out of twenty, and probably ninety-nine out of every hundred, of those who were likely to enjoy the advantages of the University, would naturally either be members of the Established Church or her friends and allies. The admission of a small minority of Dissenters would, he thought, have a wholesome effect upon the governing body; and as to any apprehension that they would get the controlling power into their hands, it was likely to prove about as chimerical as the fears formerly expressed by some that that House would shortly become a Judaical assembly if a Jew were allowed to sit in it. The question was not whether they ought to abolish every kind of test at the University, but whether these particular tests did not go beyond the purpose for which they were first intended.

*Mr. Buxton*

They were originally introduced by the Earl of Leicester for the purpose of bullying the High Church party, and then the High Church party introduced further tests and declarations, in order "to trim the way boats" that way. Nothing, then, was less dignified or less worthy of respect than the origin of these tests at the University; and men of different shades of theological opinion had been accustomed to cast a slur upon each other's sincerity in subscribing them. Indeed, they had had an example that very night, for the right hon. Member for Oxfordshire had ventured to insinuate a doubt whether the distinguished gentlemen who signed the Petition had themselves taken these tests in a sincere and genuine spirit. The present system required, as had been stated by the Bishop of London not long ago, a perfect science of interpretation; and those who were most anxious to preserve their truthfulness unstained invented all sorts of explanations and excuses to keep their conscience clear. Many who took these tests explained them away, saying, "Oh, they meant nothing, or amounted only to a general adhesion to the doctrines of the Church of England." He believed, with his hon. Friend the Member for the City of London, that a minute and anxious conscientiousness was more rife among young men than it used to be, and that was a reason why these tests should be relaxed. The effect of the present system was to exclude some who would be an honour to the University, which was thus narrowed, and suffered some degree of loss. The essence of the matter was this—there was intrinsic absurdity in the system. A Master's degree implied that he had received the best education which the University could bestow. That was felt to be an honour. It was valued by men, and it was absurd that when a man had gone through the education necessary to obtain it, and derived all the benefit of it, he should not be able to place after his name the sign that he had done so, because he might differ from one or two of the Thirty-nine Articles. He thought that was one of the last shreds of a system which had been virtually condemned by the acts of that House. At Cambridge it did not exist. At Cambridge no kind of harm had resulted from its abolition; and he could not see why in a matter of the kind Oxford should not be as liberal as Cambridge.

GREECE—CESSION OF THE IONIAN ISLANDS.—OBSERVATIONS.

MR. CAVENDISH BENTINCK said, he rose to call attention to the proposed cession of the Ionian Islands to Greece. He felt it to be his duty, in the absence of any more experienced Member accepting the task, to inquire of the Government what course they were about to follow, and the reasons for the extraordinary change in their opinions upon the subject. The first announcement of the intended cession was made before the meeting of Parliament, by the publication of a despatch of the Foreign Secretary, dated November 30. There was then a difference of opinion respecting the object of that despatch. Some persons thought that it was one of those wild and reckless effusions, full of sentiments of liberty and freedom, which singularly distinguished the official career of the noble Lord. Others regarded the proposed cession as a clever device to bind the Ionian Islands more closely to this country—a device which might well be described in a word of one syllable, which fortunately had not found its way into the vocabulary of that House. But it was certain that at that time there was no desire on the part of the British public that the cession should be effected, nor any belief on their part that it would be effected. When Parliament met, however, it appeared that the Government were in real earnest. The proposition of the Government, as marked out by the speech from the Throne, by the Greek despatches, and also by the declaration of the Minister, might be summed up in these words:—That the new Greek assembly were to maintain a constitutional monarchy—to refrain from any aggression upon neighbouring states—to choose a Sovereign under whose sway the Greek nation might enjoy internal prosperity and peace; and then if the Ionian Legislature expressed a wish for annexation to Greece, the British Government would take steps for consulting the great Powers upon the subject. If these were the conditions which Her Majesty's Government proposed, it was clear that if Greece remained in a state of anarchy and disorder, and if a Sovereign was not found who would be likely to carry into effect the line of policy which was traced out by Her Majesty's Government, then the latter would not be prepared to try the very dangerous experiment of ceding a possession to which

previous Governments of all shades of opinion had clung with singular tenacity. Time passed on. Two Sovereigns of great experience were applied to to fill the vacant Throne. They both refused, and at length, by a telegram which came from Athens, and was received here at the end of March, it was announced that the Greek Government had unanimously elected Prince William of Denmark for their future King. During April and May various questions were put to the Government, but no satisfactory replies were obtained. First of all, they said they could not answer, then they would not answer, and finally they did not answer. During the month of May the disorders and anarchy of Greece increased, and an opinion was confidently entertained in that House that Her Majesty's Government were about to postpone *sine die* the question of the cession. It was therefore with very great surprise that on the 11th or 12th of June he read the papers relating to Greece (No. 2), and containing the protocols of various conferences held at the Foreign Office during May and the beginning of June, and especially a protocol of a conference held on the 5th of June, by which the Foreign Minister changed entirely the basis and principle of the cession, and abrogated those conditions which had been insisted on as precedent to the first negotiations. The Danish Minister announced that Prince Christian, acting as guardian of Prince William, accepted the hereditary Sovereignty of Greece, but only upon the express condition of the Ionian Islands being effectively united to the Hellenic Kingdom. There was, then, no condition of good Government nor of abstinence from aggression upon the neighbouring States. But, beyond that, it was agreed, that if the union of the Ionian Islands to Greece should obtain the sanction of the great Powers, Her Majesty's Government would recommend to the Government of the united States of the Ionian Islands to appropriate £10,000 a year for the new King, and further that Her Majesty's Government would give up in favour of Prince William the sum of £4,000 a year now received from Greece in part payment of debts due. Such a change of policy was, in effect, trifling with the House and the country at large, and he therefore was justified in asking now what really were the intentions of the Government, and for what reasons they had abandoned the conditions they had previously laid down,

or, if not abandoned, what guarantee had they that such previous conditions would be discharged. The Prince might be elected and crowned, and yet within a few weeks, or even days, the Government might be upset, and a republic proclaimed. What guarantee had they that the new King would govern, to use an expression of the Foreign Secretary, by an enlightened code, or according to liberal principles? The Prince had not yet completed his eighteenth year, and it was a singular coincidence that he was within a few months of the age Prince Otho had attained when he was elected to the throne in 1833; and there was no guarantee, that however excellent his intentions, he might not be misled by bad advisers into a course similar to that of his unhappy predecessor. There was no guarantee against aggression upon other States except that of the good faith of the Greek people, and those of our countrymen who had lent money to that nation would not attach much value to such a guarantee. Greece was plunged into the depths of democracy—disorder and anarchy were prevalent—within the last two days a despatch had been published, in which the President of the Council of Ministers, who would of course be disposed to make the best of the actual state of things, admitted that the army was in a state of mutiny, and had imbrued its hands in what was called a fratricidal strife, and that the National Bank had to be guarded by soldiers belonging to the three protecting Powers. The throne of Greece had been hawked about and offered to the highest bidder. No bidder had appeared, and the King of Denmark had only accepted the throne for his nominee, upon the conditions precedent that the Ionian Islands, which were in a state of prosperity, were annexed to Greece, and that the great Powers would forego a sum of money to form a civil list for the new King. Supposing, then, the islands ceded, and Prince William crowned, if another revolution occurred in Greece, we should have parted with those islands without any possibility of recalling our decision. Besides, by abandoning our protectorate without conditions, we committed an indefensible breach of trust. The islands were given to us to preserve the balance of power in Europe, and we have no right to abandon them without the full assent of all the Powers interested. France and Russia would, no doubt, consent to the cession of the islands, and with good rea-

son, for our possession of them was a barrier against Russian aggression, and would prevent any attempt on the part of France to gain power in the East. But Austria and Turkey were of a different opinion, and while Austria was disinclined, Turkey positively objected to the cession. The noble Lord had said that Turkey had no right to be admitted into the Conference. Legally speaking, the noble Lord might be right; but having regard to the present position of Turkey, and to the fact adverted to by Lord Stratford de Redcliffe in another place, that by ceding the Ionian Islands we were opening the flank of the Turkish European possessions, would the noble Lord say that Turkey had no moral or equitable right to be heard? On the whole, he thought that neither reason nor the force of circumstances warranted the Government in their determination to surrender these islands. Moreover, it was said that a strong disinclination existed on the part of the Ionians themselves to the transaction. He learnt from the noble Lord that there was a treaty in preparation, but whether it was to be signed before the vote of the Ionian Legislature was taken upon the subject he did not understand. He trusted that the Government would come to no hasty conclusion on the question, but it would be allowed to stand over till Parliament re-assembled, when statesmen of all shades of politics would have full information before them, and sufficient opportunity of making known their sentiments upon the subject.

#### MONUMENTS IN WESTMINSTER ABBEY.—OBSERVATIONS.

MR. MONCKTON MILNES: I rise, Sir, to call attention to the Fees demanded by the Dean and Chapter of Westminster for the erection of Public Monuments in Westminster Abbey. In this closing Parliamentary conversation of the year I do not think that the few remarks which I have to make on this subject will be regarded as intrusive, because it is one of considerable interest; and it is also one which for some time has not engaged the attention of the House. I wish to make a few remarks on the circumstances connected with the erection of the monuments of illustrious men in Westminster Abbey. The last time when this subject came under the attention of the House was in 1854, when I brought it forward in connection with a monument to the poet Campbell—a statue erected by subscription,

and which his friends and admirers desired to place in the Abbey, where he was buried. The Dean and Chapter of that day asked a fee of £200 before they would allow this full-length statue to be erected. Sir William Molesworth was then at the Board of Works, and promised to give the subject his serious consideration. He afterwards made a strong remonstrance to the Dean and Chapter, and in consequence the fee was either wholly remitted or considerably reduced; but that concession was followed by a resolution in the Chapter that they would admit no other monument into the Abbey, however illustrious was the person in whose memory it was to be erected. Now, I desire to recall those circumstances to the House, because I conceive that such a resolution on the part of the Dean and Chapter was one which did not carry with it either the consent of Parliament or the assent of the country. It had, indeed, so little effect that from that time to the present continual applications have been made to the Dean and Chapter, and have either been met by a refusal, or else, as in a case which has lately occurred, by a most inordinate demand. A short time after the appointment of the present Dean an application was made for permission to erect a monument to a Prime Minister, whose name is associated with many very important public measures. The Dean refused to admit such a monument, on the plea that there was no room in the Abbey for any more statues. The same excuse was made when it was proposed to erect monuments to Lord Macaulay and also to Mr. Hallam. In the case of the statue to Mr. Hallam, I was a member of a Committee whose duty it was to go over the Abbey and see whether this assertion was well founded; and I am bound to say that it was my conviction, and that of the other members of the Committee, that there was plenty of room for the erection of this and of many other monuments. Another case—that of the late Earl Canning—has brought the matter strongly before the public. In the Abbey stands a statue over the grave of Mr. Canning. The son has followed the father into that illustrious repose; and the friends of the family, representing here the instincts of public opinion, strongly desired that some memorial should exist there of the son as well as of the father, that posterity may see what their contemporaries thought of these two illustrious men. That proposal has also been met by a positive refusal, although

it is the impression of Earl Canning's remaining relatives and friends that there is nothing in the locality to prevent the erection of such a monument. Again, there was a modest proposal to place in Westminster Abbey the bust of Sir George Cornwall Lewis, a name so freshly as well as so regretfully remembered among us here that it sounds almost strangely in connection with those mournful associations. The Dean and Chapter, however, said, if ever they did make an exception in the admission of a tablet and bust, they should demand the sum of £200. Now, they seem to rise somewhat in their demands, for they asked only £200 for the full-length statue of Campbell. Of course, this question might be dealt with by a Royal Commission, or an Act of Parliament might be passed to place these monuments, and the sites for monuments, at the disposal of the Board of Works or the Crown; for I cannot admit that there is in the Dean and Chapter any such vested right in Westminster Abbey as that which is assumed to exist in other cases. The right hon. Gentleman the Home Secretary lately read a letter from the Dean, who stated that these monuments very much intruded upon the worshippers, and therefore it was not intended to allow any more of them; and he justified the large demand made for the tablet and bust by saying that it was necessary in order to operate as an exclusion. Now, such an argument seems invalid, because we know that in this wealthy country £200 is not such a sum as would prevent the intrusion of the remains of unworthy persons into the Abbey. I do trust, therefore, that the Dean and Chapter of Westminster may be brought to a more just consideration of this matter, and one more consonant to the feelings of this House and of the country, and that it will not be necessary to have recourse to such extreme measures as those I have alluded to. I know the present Dean of Westminster intimately, and I know him to be a man whose motives are as little sordid as possible, who is full of high and patriotic sentiments, and who in early life ventured his person in the cause of national freedom. I cannot suppose him to be naturally deaf to argument; such an act on his part would give some justification to an opinion I have heard expressed—namely, that there is something in high ecclesiastical office which tends to blunt the feeling and to stifle the patriotism of a man. It should

be remembered that Westminster Abbey cannot be placed in the category of ordinary cathedrals. It is the place, above all other ecclesiastical edifices, where the great, the wise, and the illustrious of England have desired to repose. There, as it has been said—

“Through the dim aisles all shapes of empire  
gleam,  
Near the dim ‘Corner’ of the poet’s dream.”

We must have some place for the monuments of our illustrious dead, and the jealousy of a free Government would naturally render it very difficult to determine between the claims of those whose friends might seek their admission to a secular building like, for example, the Houses of Parliament. On the other hand, the sense of religion and the sacredness attaching to the edifice, would render it far more easy to obtain a general acquiescence in the determination of the Dean and Chapter in such cases. I trust Her Majesty’s Government will seriously remonstrate with the Dean and Chapter on this subject. It is not true that there is no room in the Abbey. There is room between the several arches throughout the whole nave for a full-length statue of some illustrious person, which would add very much to the decoration of the building, and be in harmony with the solemnity of the place. A great many of the chapels are no doubt crowded, and a great many of the monuments are not so well exhibited as we could wish, but we must take this as an accident, for it is much better to have a plethora of the monuments of remarkable personages there than to be deprived of the advantage of having them there at all. I trust the Dean and Chapter will reconsider this matter, and find means to reconcile the convenience of worshippers with the wishes of the country, and not insist on their inordinate demands. That an ecclesiastical corporation should require to be paid £200 for admitting the bust of a great man shows a want of sympathy with that great man, and indicates a feeling which I should be sorry the country should believe that they entertained. The excuse that those fees are necessary to keep up the fabric is utterly futile; the sums thus obtained are not considerable, and the fabric might be sustained either out of the large corporate funds belonging to the Abbey or from some other collateral source in the hands of the Ecclesiastical Commissioners. I trust, if the question be seriously considered, that several of the members of the

*Mr. Monckton Milnes*

Chapter will feel ashamed of the spirit which has been exhibited, and that they will induce their recalcitrant colleagues to yield to the wishes of the country.

Mr. F. S. POWELL said, the more the House and the country considered the condition of the Abbey, the more they must be convinced that some change was required in order to bring it into harmony with the sacred purpose for which it was designed. The hon. Gentleman who introduced the subject seemed to regard the Abbey, not so much in the light of a national church as of a national museum, and to think that the more it was dissociated from the religious sentiment the better pleased the House and the country would be. It was the opinion of eminent men who had studied ecclesiastical art, that in the grandeur of its proportions, the beauty of its details, and the religious sentiment which breathed from every feature, Westminster Abbey was at once unrivalled and unequalled. But if that were so, there was another judgment which was arrived at by no less common consent—namely, that there was no building dedicated to ecclesiastical purposes which was so degraded in regard to monumental taste by everything which aimed at beauty, but succeeded only in reaching the highest point of the deformed and contemptible. His desire was, not to add to this aggregation of monuments, but to remove some of them from the aisles and the nave. There were some monuments there which were Hindoo, and some which were classical, but not one which was Christian. [Sir GEORGE BOWYER: Hear, hear!] In a former generation there was in that House a distinguished man who had accomplished the emancipation of the slaves—Mr. Wilberforce; but no one could walk in the Abbey without being struck with his painful contortion as he was represented in marble, and the expression of misery he seemed to evince at the company amongst whom he was placed. A suggestion had been made by Mr. Beresford Hope, that at some future time, when the Chapter House was restored by the munificence of Churchmen, the Dean and Chapter might, under proper regulations, admit into that building, not dedicated to the highest sacred purposes, but of a semi-secular character, the monuments of men distinguished in every department of civilization. That seemed to be a reasonable proposition. He hoped, in this case, the Dean and Chapter would be firm in main-



taining that the Church over which they were constituted guardians was a building intended for the worship of God, in which congregations of Christian people were accustomed to meet for holy purposes one generation after another, and not a mere hall in which an enormous mass of marble might be erected in every corner, and that there should be a clear space in which worship might be conducted in a decent manner. As to the suggestion that there should be monuments under every arch, he doubted whether the hon. Gentleman had ever attended service in the nave. [Mr. MONCKTON MILNES: I have, several times.] If so, the hon. Gentleman must have felt that the nave was already sufficiently cumbered. It was not for him to defend so distinguished a man as the Dean; but he thought the duty of Churchmen was rather to diminish than increase the number of monuments in the Abbey; and on that account it was that he had not remained silent.

#### INFANTICIDE.—OBSERVATIONS.

MR. COX, in calling attention to the subject of infanticide in England and Wales, said, the question was one which had occupied public attention for a considerable time. In the course of the last year he was very much struck by the constant reports in the newspapers of verdicts given by coroners' juries of the wilful murder of children, and he had in consequence moved for a Return of those verdicts in England and Wales during a period of eighteen months—namely, for 1861 and the first half of 1862. He found from that Return [*Parl. P. No. 39, 39-I.*] that the total number of children under two years of age, who had met with untimely deaths within that period was 5,547. In 224 cases verdicts of wilful murder were returned; in 697 open verdicts of "found dead;" and there were 956 cases of suffocation; so that out of 5,547 deaths of children under two years of age in England and Wales, in which it was necessary that inquests should be held, there was a total of 1,887 cases of what might fairly be called "murder." He was sorry to say that the metropolis had a bad pre-eminence in regard to child murder, for during those eighteen months no less than 297 children were murdered in the metropolitan district. Coroners' juries seemed anxious to avoid giving a verdict of "wilful murder" even though against some person or persons unknown; they preferred such a verdict as

"found dead." He submitted, that if in their state of boasted civilization there were upwards of 5,000 violent deaths of infants in the course of eighteen months, it was a matter which ought to engage the attention of the Government. The Secretary for the Home Department might doubt whether a remedy could be found for that state of things; but having had the subject long under his consideration, he (Mr. Cox) was ready to make a few suggestions with that object. From a careful examination of the Returns, he was inclined to think that a number of the child murders did not arise from what suggested itself as the most obvious cause, the desire of a woman to get rid of the evidence of her shame at the earliest opportunity. In a great number of the cases of wilful murder, the children had attained the age of twelve months and upwards. The bastardy laws, he thought, were much to be blamed for these results, the allowance of 2s. 6d. a week for the maintenance of a child being wholly insufficient. In some instances, women brought before the metropolitan police magistrates had confessed the crime with which they were charged, giving, as a reason, that the sum allotted weekly was not sufficient, and that they might as well murder the child at once as see it die of starvation. As the law stood boards of guardians were not entitled to assist or aid a woman in any way, even to recover the 2s. 6d. weekly. If that restriction were removed, they would in many cases be able to procure for a woman the means of supporting her illegitimate child, and would take away from her the temptation of murdering it. He was corroborated by Dr. Lankester, one of the coroners for Middlesex, in the assertion that juries were averse to finding verdicts of wilful murder against mothers, because the punishment for murdering a child was the same as for murdering an adult. During the recess he trusted that the right hon. Gentleman the Secretary of State for the Home Department would take the subject into his serious consideration, and see whether he could not devise some remedy for a great and crying evil existing in the midst of our civilization.

#### POLAND—AFFAIRS OF GREECE.

##### QUESTION.

MR. MONSELL said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether there is any objection to laying upon the table of the House, the Correspondence which took place in 1825



and 1826, between the Government of this Country and that of Russia, with reference to the Affairs of Greece? The correspondence for which he asked had a direct bearing on the question of Poland. The answer of Russia to the notes of England, France, and Austria, was before the House; and the Russian Government, in that their latest communication, put forward principles which they conceived would justify them in hounding General Mouravieff against the women of Poland, in setting peasants against the landed proprietors, and in carrying on the most barbarous system of extermination that was ever witnessed in the civilized world. It therefore became a matter of importance to find out a case in which the Russian Government had stood towards another country in the same position that we now occupied towards Poland. The case of Greece afforded a remarkable parallel. He appealed to the noble Lord at the head of the Government to print the despatches of which the Duke of Wellington, then extraordinary ambassador at St. Petersburg, was the principal writer, which would show the principles which actuated the Government of Russia at that time. Into the general question he would not enter, but would leave the responsibility entirely with the noble Lord, upon whom it then rested. From the conduct of Austria, and the feeling exhibited by France, there could be no doubt at all, that if England remained firm, great results would be achieved for Poland. The passages hitherto in the history of England connected with Poland were not the most glorious to look back upon. In 1772 France, then under a feeble sovereign, and weakened by a sanguinary war, appealed to England for assistance in preventing the partition of Poland, and England refused. Again, in 1831 France was ready to act, but England refused. The circumstances of the times might have justified such a policy in those days; but now, at all events, Russia was weak, Austria had shown a chivalrous determination to stand by her engagements, France was ready to act, and Prussia by her conduct had, for the moment, almost blotted herself out of the number of the great Powers of Europe. As he had before said, the responsibility rested on the noble Lord, who, better than any other statesman in Europe, was capable of judging how far he would be able to carry out the ends he proposed to himself. In two particulars

*Mr. Monsell*

the case of Poland was far stronger than that of Greece. In the first place, in 1826 there were no treaty engagements like those of Vienna relating to the Kingdom of Greece; and in the second place, the Greeks, in 1821, had undoubtedly been guilty of a most frightful massacre of the Turks living among them, of men, women, and children to the number of 20,000. No act of barbarity of that sort could be charged against the Poles; under most trying circumstances they had acted for the last two years with the greatest moderation, avoiding offensive demonstrations of any kind. The points of resemblance between the two nations were very striking. One of the great difficulties which had to be encountered in the case of Greece was that it was almost impossible to define the geographical limits of the country, whether it extended to Thessaly or Epirus or Albania. Questions of precisely the same character had since arisen with regard to Poland. In the second place, the war was produced by the strong feelings of animosity which prevailed between two races. Precisely the same feeling existed in the case of Poland. The whole population of Greece were unanimous in their desire to shake off the Turkish yoke, and determined at every sacrifice to do so; in Poland, at that moment, precisely the same spirit existed. What was the course pursued by the different Governments of Europe? It was a remarkable circumstance that Russia was the first to act. The insurrection broke out in 1821, and in 1823 Russia communicated to every Court in Europe a project for settling the question of Greece. It proposed to interfere directly in the struggle, although it had no treaty rights whatever, and objected in the present day to the interference in Poland of other Powers having treaty rights; and it suggested that Greece should be divided into three different governments, with a governor at the head of each, subject to the general suzerainty of the Porte, but having each the power of managing their own concerns. As in the case of the Six Points of our own day, the project was distasteful to both the contending parties. The Greeks did not want to be divided, and the Porte resented interference with its authority. That proposal fell dead, the war proceeded with frightful bloodshed and massacre for a year or two, and in 1826 Mr. Canning sent the Duke of Wellington on a special embassy to St. Petersburg, where a protocol was drawn up, in concert with the

Russian Government, recommending certain arrangements to the Porte, but without menace in the first instance. These propositions were rejected, and England and Russia then concluded a treaty to which France afterwards gave its concurrence. Sir J. Macintosh said that that treaty was not only founded on principles of reason and justice, but was conformable to the soundest principles of the law of nations. By it the three Powers, in the interests of humanity and for the sake of the tranquillity of Europe, offered their mediation and demanded an armistice, as a preliminary condition of any negotiations. They further required that the Greeks should be entirely independent, paying a certain tribute and remaining under the suzerainty of the Porte, but having power to buy up all the Turkish property and turn the Turks out of the country; and stipulated that the limits of territory should be settled by negotiations. The contracting parties engaged that they would seek no augmentation of territory or exclusive advantage for themselves; and there was a secret article providing, that if these propositions were refused, the three Powers should take counsel together as to the course to be pursued. The Turks refused to accept the propositions. They dwelt a good deal upon the revolutionary spirit which was displayed by those who took the part of the Greeks, and declared that if foreign Powers did not interfere, they would be as quiet as possible. That answer was not satisfactory to the Powers, and therefore, with Russia at their head, they took steps to enforce the armistice which they had recommended. The battle of Navarino was fought; and although it was considered in England an untoward event, Sir E. Codrington was applauded by the Emperor of Russia in the highest terms for all that he had done. It was of the highest importance that full details of these negotiations should be laid before the public. The world would then see how Russia acted when she stood towards Greece in a position similar to that which we now occupied with regard to Poland; how different were the principles by which she was then guided from those laid down in Prince Gortschakoff's despatch, and probably even Russian statesmen would be shamed into taking a course somewhat different from that which they were now pursuing. He therefore hoped that the noble Lord would consent to the production of these papers. Statesmen and philosophers had dwelt

much upon the value and importance of that comity of nations by which the public law and public morality of civilized Europe were maintained; but it would be at an end if Russia was allowed to continue the course of murder and extermination by which she had disgraced herself during the last few months.

MR. HUNT said, he thought they were indebted to the hon. Member for Finsbury (Mr. Cox) for bringing forward the subject of infanticide, which he (Mr. Hunt) knew, from his magisterial experience, was largely on the increase. He did not, however, think that the bastardy law had much to do with the matter. The real cause of half the child-murders in this country was the desire to conceal the shame of giving birth to an illegitimate child. There were two reasons why this crime was on the increase. One was a proper subject for the consideration of the House; the other was beyond the scope of the House, and though very important was calculated to provoke a smile. It was the existing style of dress of the females of this country. He believed that the dress of females in the present day conducted very seriously to immorality. The crime of infanticide was very prevalent among domestic servants, to whom the large full dress had descended, and that dress not only interfered with their usefulness in household work, but assisted greatly in the concealment of pregnancy. With such a dress it was almost impossible for any one living in the same house with a pregnant woman and even sleeping in the same room to know that she was in the family-way. He repeated that this matter was entirely beyond the power of the House; but hon. Members would do themselves a good turn, and at the same time promote morality, if they forbade their female servants to adopt the present fashionable mode of extending their dress. The other cause was the way in which the law was administered, or rather altered by the Judges with regard to child-murder. In former times the questions put in such cases were—whether the child was born alive; whether it came by its death by violent means; and, if so, whether the child came by its death by the hands of the prisoner. The first question was generally answered by a surgeon by means of the lung test. If the child had breathed, it was held that it had been born alive, and could be murdered. That was the old and he believed the right principle, but the Judges, from tenderness and a re-

luctance to convict a woman for the crime of child-murder, had explained away that doctrine. One Judge held that the question was not whether the child had breathed, but whether it had done so when it was entirely separated from the mother. That, he believed, was not a correct interpretation of the law; but yet it had recommended itself to the minds of almost all the Judges. It was now almost impossible to convict a woman of the murder of a new-born child unless she confessed, and even a confession was sometimes not sufficient for conviction. There was a case, for instance, which recurred to his memory in which a woman was brought up at the assizes of Northampton for the murder of her child—a crime which she appeared to have perpetrated in the most deliberate way. She was a widow, she sent every person out of the house when she expected her confinement; she delivered herself; she tied some portion of her dress round the throat of the child, she placed the body under the bed, and she slept upon it for some time until she found time to bury it. The Chief Baron was the presiding Judge, and the woman pleaded guilty. The Judge asked her whether she understood what was meant, and she insisted on pleading guilty. He, however, would not receive the plea, and she was consequently sent back to prison, the result being that when she was brought up the next morning she pleaded not guilty under the tuition of the Judge. The usual question was then put as to whether the child had an independent existence. The doctor said, "No," and his Lordship persuaded the jury to find, which they did with great reluctance, the prisoner guilty of concealment of birth, and not of murder, and he only sentenced her to one year's imprisonment. It would have been much better for the morality of the parish from which she came, that the crime should not have been detected than that it should have exposed and made known that the law only gave one year's imprisonment for such an offence. As a sequel, he might mention that in the garden attached to that woman's house there was found the skeleton of another child to which she had given birth, and which she had no doubt also murdered. Now, such a thing as a woman being hanged for the murder of a new-born child was never heard of. Such being the case, they ought to pass an Act to give some severe punishment for the destruction of child-life, and

*Mr. Hunt*

not leave the Judges to the alternative of convicting a woman either of child-murder, which they would not do, or of the concealment of the birth, when the evidence clearly proved a murder.

SIR GEORGE GREY said, that owing to the desultory nature of the discussions which had taken place, he felt himself called upon to mix up several subjects in replying to the Questions which had been addressed to him. He wished, in the first place, to answer those which had been put in the early part of the evening by the hon. Member for the Tower Hamlets (Mr. Ayrton) with respect to the state of the law affecting the rating of Compound Householders claiming to vote at Elections, and he must observe, without making any general statement on the subject, that the complaints which arose in connection with it, had their origin principally in the provisions of those local Acts which authorized the imposition of the rate in certain places on the owners, instead of the occupiers. The hon. Gentleman had asked him to look into those private Acts during the recess, and that he was very willing to do. It might be a question for consideration hereafter, whether there might not be a general Act declaring that the provisions of general statutes which did protect voters in the exercise of the franchise under those circumstances should not be made applicable to all private Acts, but he did not wish to express a positive opinion upon the point without further consideration.

He should next advert to the Question put to him by the hon. Member for Finsbury (Mr. Cox), which was one of general importance. There was no doubt that the crime of infanticide did exist to a very great extent, but whether it was or was not on the increase was more doubtful. He was not sure, whether, taking into account the increase in the population and increased facilities of detection, the number of this description of crimes did bear a greater ratio to the population than was the case some time ago. A great many cases were brought to light through the agency of the police which previously to their establishment escaped detection, and the Returns were therefore not to be taken as conclusive on the point. Be that, however, as it might, the suggestions made for the prevention of the crime did not appear to him of a very practical character. The hon. Member for Finsbury suggested that there should be an increased allowance to the mothers of illegitimate children,

but he doubted whether, if such a proposal were carried into effect, it might not tend to the increase of their number. Then, as to the suggestion made by the hon. Gentleman opposite with regard to the dress which women should wear, he must say that it appeared to him to be a matter rather for the consideration of heads of families than of the House of Commons. He should be very slow to condemn the rules of evidence in cases of this nature laid down by the Judges, and in reference to the case mentioned, in which the Lord Chief Baron was concerned, he thought that learned Judge, who was a man of great experience, was perfectly right in the course he took, if he believed the woman to be ignorant of the legal effect of the plea of guilty which she put in. The best means of checking the crime of infanticide, in his opinion, was to improve the morals of the people, and for that they must look to an improved education and the spread of religious instruction. No law which Parliament could frame would be effectual to prevent it.

With regard to the question of the erection of monuments in Westminster Abbey, he had the other day read a letter from the Dean explaining the grounds on which he acted in such cases. The Government, he might add, had no power to interfere in the matter, and the Dean and Chapter were, he thought, quite right in principle in objecting to any interference with that portion of the building devoted to the celebration of Divine service. Every facility ought, at the same time, to be given, in his opinion, to the erecting of monuments to distinguished men, provided they did not trench on the space devoted to public worship. With respect to the erection of busts in the Abbey, the Dean and Chapter reserved to themselves the right of granting or refusing permission, permission being granted in no case without the payment of £200. In laying down this rule no sordid motive could be imputed to the Dean and Chapter. They had no pecuniary interest in it, but it was deserving of their consideration how far they might be able in the case of distinguished men to avoid imposing charges of such an amount.

MR. KINGLAKE said, that taking into account that that was probably the last occasion in the Session on which the House would have an opportunity of discussing the position of that great nation the Poles—for a great nation he would call them—and bearing in mind also the grave

peril which at that moment threatened the peace of Europe, he hoped to be allowed to address himself briefly to the interesting question which had been introduced by the right hon. Gentleman (Mr. Monsell). In his opinion, the right hon. Gentleman had succeeded in establishing the analogy which existed between the situation in which Greece was in 1825, and the position of affairs at the present moment with respect to Poland. The right hon. Gentleman might have added one or two circumstances tending to clinch the analogy which he had so well established. The right hon. Gentleman might have said that the condition of Greece at the time she was taken up by France, England, and Russia was inferior in point of strength in many respects to that of the Polish insurgents. Again, the right hon. Gentleman might have strengthened his argument by a reference to the language recently used by the noble Earl the Foreign Secretary, which brought the two cases into a condition of strong resemblance. After deprecating war, and saying that it would take a great deal to cause England to pass from a state of peace, the noble Lord said it would nevertheless not be tolerable, in the existing state of feeling in Europe, that the Polish nation should be destroyed. That was the principle upon which the Powers proceeded in the case of Greece, and that was a principle which he ventured to say could not now be neglected. He regretted that the debate which took place the other night did not occur twenty-four hours later, when they would have been in possession of the despatch addressed by the Russian Government to the Government of Her Majesty. In one sense it was an advantage that the discussion took place without knowledge of the terms of that despatch, because he was inclined to think that a production of that despatch during the discussion would have generated a feeling of indignation in the House of Commons which would have been hardly compatible with the maintenance of peace. Every word which he uttered on the last occasion was spoken with a full sense of the duty which was incumbent on every one of making great allowance for the situation in which Russia was placed. Therefore he hoped that nothing he might say now would be regarded as the result of a too hastily-formed sympathy with Poland, or a too hastily-kindled indignation against Russia. But he confessed he

was unable to read the Russian despatch without feelings of the greatest astonishment. In the first place, the tone was more extraordinary than even the contents. There was a tone of sarcasm which, considering the grave situation of which it treated, was altogether surprising, and must tend to irritate every man who cast his eye over the document. The despatch set out by saying that it was the right of every country to put forward any interpretation which it liked of a treaty, provided that the interpretation was consistent with the words of that treaty. There was some other trifling of that kind, and then there was a great deal of satirical writing founded upon an expression in Earl Russell's despatch. It commented on some words of the noble Earl that every Government should be founded upon the confidence of the people, by raising the question whether the people ought to begin by having confidence and then respect, or begin by having respect and afterwards confidence. It then went on to speak of the despatch itself as giving an indication, forthwith, of compliance by the Russian Government with their own proposal to have an exchange of ideas. In effect the Russian Government put it thus:—"You say one thing; we say the opposite. Now there is an exchange of ideas, and we have fulfilled our promise." Passing from the tone of the despatch to the purport of it, they found no comfort at all. The despatch held out, in the harshest terms, that there could be no end to the sufferings of Poland until they were ended by the unconditional surrender of the Poles. It then went on to reject altogether the idea of any further negotiations with any of the eight Powers who signed the Treaty of Vienna, and proposed to confine all negotiations to the three partitioning Powers. Russia would not consent to any consultation with the eight Powers, but only with the three Powers who were all in the position of *participes criminis*. The despatch ended with the extraordinary request that the English Government should declare in clear and categorical terms that the insurrection in Poland should not be interfered with by any kind of intervention from this country. Now, not to intervene was one thing; but to declare that they would not intervene was another. In one point of view he hoped that the demand on the part of the Russian Government would be

complied with. He hoped that the answer of Her Majesty's Government would be categorical and clear, and he also hoped and ventured to believe that it would be a categorical and clear refusal. If the despatch from Russia was of a nature calculated to make them despair of any good likely to result from negotiation, they had some consolation in finding that the course taken by Austria was exactly such as the friends of Austria and the friends of Poland would desire to see her taking. The noble Earl at the head of the Foreign Office spoke the other day in very strong and almost enthusiastic terms of the position which Austria was resuming in Europe, and he could not but think, knowing the noble Earl's sympathy with the cause of a suffering people, that when he uttered those words he had some foreknowledge of the honourable and bold course which Austria was about to take. The despatch which had been forwarded by the Government of Vienna to the Cabinet of St. Petersburg was little short of what all the friends of Poland and Austria would desire. The Government of Russia had affected to believe that Austria suggested a conference merely on the supposition that possibly Russia might like it. Austria repudiated the notion, and declared in plain and open terms that the conference she suggested was so suggested that a refusal to grant it must involve the responsibility of the Russian Government. Then, again, the Russian despatch had submitted that Galicia, an Austrian possession, should be brought into the same arena of controversy as the Kingdom of Poland. The Austrian despatch explained that there was a material difference between the two—a difference illustrating that honesty was the best policy; for in the one case all constitutional Government was wanting, while in the other constitutional Government was in full operation. But, above all, Austria declined to enter into any separate negotiation. Austria declined to take any course which could by possibility separate her from the Western Powers; and he perceived by the newspapers that Austria had instructed her representatives in all the Courts to declare that no consideration should induce her to separate from the understanding which she had contracted with the two Western Powers. He thought a despatch in these terms was in a high degree satisfactory. Still, he desired more. Considering that Austria was a Power whose territories bordered upon Poland, he must hold that

it was her duty to take a more prominent part in putting down the sufferings of Poland than was incumbent on the other Powers. Her frontier was disturbed. She had the means of action. He held that where the power existed responsibility followed, and that Austria would do less than her duty if she only did what France and England were prepared to do. He could not but feel that some intention of that kind was shadowed out in part of the Austrian despatch; for in words sometimes used in diplomacy, but not often used unless there was a prospect of negotiations coming to an end, Austria had declared, that if Russia should persevere in the course she had adopted, the grave responsibility involved in that course would rest entirely on the Government of St. Petersburg. He considered that in those grave words there was shadowed out something like an intention on the part of Austria to fulfil the duty which devolved on her. The papers moved for were of great importance in regard to their bearing on the Polish question. It might be that they were in the library, but that would not be an answer to the Motion, because it was extremely desirable that they should be in the hands of hon. Members, and he should see their production with pleasure because of the significance there would be in producing papers relating to Greece, as an illustration of the way in which it might become necessary to deal with Poland. Before Parliament separated, he trusted the Government would consider the position in which this country would stand if massacres and executions in Poland should be horrifying the people of this and of the adjoining country at a time when no negotiations were going on to give a hope that those massacres and executions would cease.

Mr. HENNESSY said, he considered it fortunate that the responsibility of criticising the important despatch recently laid on the table had devolved on an hon. Member distinguished alike by his ability and his moderation. The replies sent by Russia to the three Powers were in truth an insult to each; and the invitations which Russia sent to Austria to join her and Prussia in another Holy Alliance of the partitioning Powers was an insult to Europe. He had no doubt that Russia would receive from this country, France, and Austria, fitting answers. Indeed, it was stated that Austria had already rejected with indignation the invitation of Russia. That was a most critical time in

the history of Poland. For fifty years this country had been giving to Poland words in every shape and form, and there seemed to be at length some appearance of a practical and even speedy settlement of the Polish question. How was that to be brought about? Was it to be achieved by the further continuance of diplomacy? Did they believe that the Government which had sent those insulting despatches could be any longer convinced by the arguments of diplomacy? He thought not, and he would urge on the Government to pay particular attention to the wishes of the people of England, as expressed at numerous public meetings, that they should act in cordial alliance with the Emperor of the French. He believed that the people of this country had full confidence in an alliance between England, France, and Austria, in favour of Poland, and would rejoice to see an end put now to the old policy of words. The time had come for something more creditable to England and more useful to Poland than diplomatic notes.

Mr. SOMERSET BEAUMONT said, he did not entirely agree in what had fallen from the hon. Member for the King's County (Mr. Hennessy), because it appeared to him that the only subject of suspicion and mistrust, in reference to the solution of the Polish question, was what would be the conduct of France if there was a joint intervention on the part of Poland; for France never made war without an object of aggrandisement. He thought, however, that the hon. and learned Member for Bridgwater (Mr. Kinglake) had shadowed out the policy which would remove all grounds for mistrust. It was the first time that there had been an alliance of Austria with this country on behalf of Poland, and it was not merely the alliance of Austria, but of the whole German nation, as appeared from the opinions of all the British Ambassadors and consuls who had alluded to the subject. According to Mr. Buchanan, writing from Berlin, the Chamber there was in favour of the policy of Austria, not that of Prussia. Sir Alexander Malet, writing from Frankfort, said the whole of Southern Germany was in favour of the Austrian policy. And Bavaria, Saxony, Wurtemberg, and the whole of Germany looked to Austria to lead them. He therefore agreed with the hon. Member for Bridgwater that Austria rather than France had better be looked to in order to solve

the question. Austria would not much longer remain in the situation in which she now found herself—of being obliged to arrest her own subjects, and to prevent arms being sent to people with whom she sympathized. She must soon take an attitude more decided. When she did so, Germany would follow her, and then the solution of the Polish question might be hoped for. He trusted the House would receive such an assurance from the noble Lord at the head of the Government, that it might continue to give him that cordial support and approval which he had hitherto received on the Polish Question.

#### THE INTERNATIONAL EXHIBITION GROUND.—QUESTION.

LORD ELCHO said, he was anxious, before the prorogation of Parliament, to ask the First Lord of the Treasury, What course the Government intend to take with regard to the Land purchased by Parliament at South Kensington? On the part of those who had resisted the purchase of the Exhibition building, there was no wish to offer obstruction to any proposal for rendering the ground available for the promotion of science and art, and he believed that no objection would be offered to the transfer from the British Museum to that spot of the Natural History collection. Of course, the hon. Members of that House did not pretend to give any advice on the subject; but, speaking individually, it seemed to him that the Government were in the same position as the landowner who was about to build a house for himself and his family. The first thing he would consider would be the wants of his family and the probability of its extension; then he would consider the best means of getting a suitable design, and would proceed afterwards to build it on the best principles, combining as far as possible utility and appearance. The country had bought the land, and it would soon be clear; for though the Chancellor of the Exchequer had endeavoured to persuade the House that there would be some difficulty in getting rid of the building, the contractors the very next day repudiated the statement, and had gone to work to pull it down. There was a hoarding erected all round it already, and in process of time no doubt it would be all cleared away. That no time might be lost, the best course would be for the Govern-

*Mr. Somerset Beaumont*

ment to make up their minds what would be required, and what collections would have to go there. He believed it would be found that the Natural History collection was the only one which it would be necessary to remove. The noble Lord had given an assurance that the National Gallery should not be removed there, and by a vote of that House the Portrait Gallery must go along with the National Gallery. It had been shown that the Patent Museum, to be of use, must be somewhere in the centre of the town; therefore, practically, it was only the Natural History collection which required accommodation. However that might be, the Government ought to make up their minds as to what was required, and then advertise, inviting the architects of Europe to send in plans, one of the main features of which should be that they should be capable of extension.

#### AFFAIRS OF POLAND.

##### OBSERVATIONS.

VISCOUNT RAYNHAM said, that as that was probably the last opportunity he would have, he hoped the House would allow him to make a few remarks on the subject of Poland. General sympathy had been expressed by the House and the country on behalf of that distressed nation, and no one in that House had attempted to discountenance that general expression of sympathy; but sympathy was not enough—in fact, it might mislead the Poles, and damage their cause. Material assistance was what they needed, or the present year might see the last gasp of the Polish struggle for liberty; but the great obstacle to this was the fear of war. Everybody, of course, must be opposed to war, except in cases of extreme necessity. If there were any cases in which a war would be justifiable, they were those in which our honour was involved, and he had never heard it disputed, that we were in honour bound to regard the interests of the Poles. He did not attempt to dictate to the House what course ought to be pursued, but the Government had admitted that we were implicated in the cause of Poland, and that we were bound to a certain extent to regard the interests of that country. The cause of humanity and the interests of civilization called upon this country to take decisive steps in support of the Poles. It was clear that the Poles were now heroically striving for that liberty which

was their birthright, and the honour of this country was involved in the policy of taking a most active part on their behalf, even to the extent of drawing the sword. The gross violation of the Treaty of Vienna was a sufficient justification for our most active interference in defence of the rights and liberties of Poland. A large portion of the people of this country had expressed a desire to go to war if it should be necessary. Diplomacy, he was afraid, was likely to be of but little advantage. The adversaries of the cause of Poland had been very active. Many pamphlets had been distributed, in which the most extraordinary statements had been made against the Poles. It had been said that the insurrection was got up by the Catholic party, and that the priests were at the bottom of it. Some people, indeed, asked, what was Poland? He was afraid those who asked that question did so more for the purpose of sowing dissensions amongst the advocates of Poland than in any interest for that country. The people of this country were parties to the treaty of Vienna, and he hoped they would not sanction the oppression of the Polish nation which was carried on under that treaty. Much had been said of the benevolence of the present Emperor, but he did not know that there was anything to show that he was much better than his father of execrable memory. The conduct pursued towards Count Zamoyski showed that there was no change in the conduct of the Russian Government towards the Poles. Compromise would no longer answer, and the distinct independence of Poland must be recognised. The conduct of the brutal Mouravieff and the barbarous cruelties that were now being committed were a further inducement to pursue such a course. It was true Her Majesty's Government had expressed the greatest sympathy for the sufferings of Poland. He was, however, sorry to find that they evinced reluctance to aid that noble people with something more substantial than mere words. He had given notice of a Resolution to the effect that the Emperor of Russia had set up a claim to sovereignty in Poland directly at variance with the treaty of Vienna, and that, as one of the contracting parties, Great Britain could no longer continue to the dominion of the Emperor over Poland that sanction which she granted by that treaty under conditions inseparably connected with it, which had been grossly and systematically violated by Russia. At so

late a period of the Session he could not hope to have an opportunity of bringing on that Motion, and he would therefore abandon it. He would, however, ask the noble Lord at the head of the Government whether he did not think that the policy indicated in his Resolution was the one which England ought to follow.

VISCOUNT PALMERSTON: Sir, let me, in the first place, answer the Question of my noble Friend with regard to the Exhibition ground. It is quite true that the ground will probably be cleared of the building now upon it as fast as that operation can be performed. I may say, that whereas the House of Commons thought it a dear bargain to buy that building for £80,000, we have been informed—whether truly or not I cannot say—that the contractors are now going to get £100,000 for it. [An hon. MEMBER: £90,000!] That shows that the bargain we recommended was not such a bad one. Between this time and next Session Her Majesty's Government will consider what will be the proper disposition of the ground in question, and will take steps for forming such plans as will provide for the immediate wants to which it may be suitable.

The hon. Member for Taunton (Mr. C. Bentinck) began that evening with a discussion upon the state of Greece, and he appeared to imagine that Her Majesty's Government had changed their policy with respect to the union of the Ionian Islands with the Greek Kingdom, and with regard to the views which they entertained as to the conditions under which they thought that those Islands might properly be added to Greece. No change whatever has taken place. The hon. Member stated, that as set forth in the Speech at the commencement of the Session, we held the opinion, that if a Sovereign were chosen for Greece, who gave a promise of maintaining constitutional Government, peaceful relations with his neighbours, and an abstinence from any system or policy of aggression, the Ionian Islands might usefully be added to the Kingdom of Greece. All I can say is that I trust such a Sovereign has been chosen. The hon. Member thinks that because the new King is young we cannot reckon upon the policy which he may pursue; and he instanced the case of King Otho, who was about the same age when he was chosen, and who certainly did not justify the hopes of constitutional Government which at the time of his selection we thought we were entitled to entertain. I am convinced that



such disappointment will not be experienced in the case of King George, which is the name the Greeks have given to their new Sovereign, William of Denmark ; for I am satisfied that that Prince will govern Greece in the manner in which we think it ought to be governed by him, that he will develop the internal resources of the kingdom, that he will maintain constitutional institutions, and that he will preserve peaceful relations with his neighbours. We believe that the Ionian Islands were placed under the Protectorate of England for their advantage, and that it was the duty of Great Britain to promote their interests as far as it was possible to do so. We think that has been done by the manner in which the Islands have been governed, and we believe they are now in a state of much greater prosperity and happiness than they ever before enjoyed. But we have thought, that there being a prospect now of a Greek Kingdom constitutionally governed, and of a Sovereign under whom the internal prosperity of the country would be susceptible of that great development for which its natural position and its resources qualify it, we should be consulting the interests and wishes of the Ionian people, as well as the interests of Greece, by offering to the Ionians union with Greece if they should consider it for their advantage. Of course, they will not be united to Greece unless they themselves express a desire to be so. They have upon former occasions frequently expressed such a desire, and that, too, at a time when Greece was under a Government which rendered union, we should have thought, a punishment rather than a boon. The course we shall follow will be this :—We shall obtain the concurrence of those Powers by whom the Ionian Islands were placed under the protection of Great Britain to an application to be made to the Ionian Parliament to know whether it is their wish and the wish of the people to be united to the Kingdom of Greece. If that wish is expressed, the union will take place; if it is not expressed, of course no violence will be done to the feelings and desires of the Ionian people. But I cannot believe that they will do otherwise than express a desire to be united to that body of their fellow-countrymen who occupy the Kingdom of Greece. The hon. Member reverted to the discussion which took place yesterday with respect to the right of Turkey to be a consenting party to the proposed transfer. I have endeavoured to show, and I am persuaded that those who study

the Treaty of 1819 will see, that that treaty was not an engagement placing, or contributing to place, the Ionian people under the protection of Great Britain ; that it was a treaty by which the Sultan acknowledged a pre-existing fact—a fact which had been created without his concurrence or sanction—and that there is nothing in the treaty which implies that he acceded to the Treaty of 1815. He simply acknowledged that the Ionian Islands are under the protection of Great Britain, and in virtue of that protection he engaged to give the Ionians certain privileges as British subjects. There is a fundamental difference between a treaty which acknowledges a fact created independently of the Power concluding the treaty, and a treaty which is an accession to one already concluded. The case would be exactly the same, supposing a treaty were concluded between the Federals and Confederates in America, by which the latter were erected into an independent State, and Great Britain were afterwards to make a treaty with the Confederates for the regulation of commercial intercourse. That would not be a treaty of accession to the Convention between the two parties in America; it would simply be a treaty acknowledging the fact of the existence of the Southern States as an independent country, and arranging certain matters between Great Britain and them. I think, therefore, there is no just ground for stating that we have in any degree departed from our policy with regard to the union of the Ionian Islands with Greece. I trust and believe that that union will be accomplished, and that it will redound, first of all, to the honour of England, as acting from the most disinterested motives, for the good of the people who were placed under her protection, and next to the happiness and prosperity both of the Ionians and of the inhabitants of Greece.

The right hon. Member for Limerick (Mr. Monsell) has asked whether Her Majesty's Government are disposed to lay before Parliament the Correspondence which took place in 1825 and 1826 between this Government and the Government of Russia with respect to the interference which subsequently happened relative to the affairs of Greece, and which resulted in the independence of Greece and the creation of the kingdom. My right hon. Friend has certainly established a very strong resemblance in some points between that transaction and the affair now under discussion in regard to Poland. There was an insur-

rection which went on for some time without any material interference by the other Powers. At last, the sacrifice of human life, and the atrocities committed in the course of the struggle, attracted the attention of the other Powers, who interfered first of all by friendly representations, and then in a more decisive manner. That which ultimately led to the active interference of the Powers was the announced intention of Ibrahim Pasha to remove the whole population of the Morea to Egypt, and to re-people the Morea by fellahs brought from Egypt, which was thought a measure so outrageously violent that it led to the immediate decision of the three Powers to interfere. I have not heard as yet that there is any precisely similar occurrence likely to take place in Poland. Still, there is no disguising the fact, that the present state of things in that country is most lamentable. It is not only in the Kingdom of Poland that the state of things is deplorable, but in Lithuania and other provinces as well. The landowners are in this lamentable condition:—On the one hand, the Russian Government declares, that if they do not actively assist it, they will be subjected to every sort of penalty that can be inflicted upon them; while, on the other hand, the revolutionary Government at Warsaw tells them, that if they do not aid the insurrection, they will be subjected to all the penalties which it may be in the power of that Government to impose. Between the two, therefore, their condition is most pitiable. I need not say that the correspondence of 1825 and 1826 is very voluminous, and it is probable that some portions of it need not be laid before Parliament. We shall look over it, and if there are any parts of it which really have an interesting bearing upon the present question with respect to Poland, there will be no objection to produce them. Undoubtedly, the questions are so far similar that the principles which Russia maintained in the case of Greece may have some resemblance to the grounds taken by England, France, and Austria in regard to Poland. As for the Polish Government itself, I am sure the House will not expect me to go into a discussion of it on the present occasion. I would just offer one remark with respect to the observations which have been made on the Russian despatch. I stated, on a previous occasion, but I may as well repeat it, that in all former correspondence on the subject of Poland, the ground taken

by the Russian Government has been, that the quelling of the insurrection in 1831 and 1832 emancipated Russia from all obligations under the Treaty of Vienna, and that from that time she held Poland as a conquered province to do with it what she pleased, treating it as a part of the Russian Empire: hence she denied the right of any of the parties to the Treaty of Vienna to question any of her proceedings in the government of Poland. That ground has not been maintained, and so far in the recent despatch a great step has been gained. Russia now admits that the parties to the Treaty of Vienna are entitled to discuss with her the government of Poland within the limits of that treaty; and that is a very great advance made by Russia in regard to any negotiations which may take place with respect to Poland. We are asked what our conduct will be in future. That is a matter far too important to be the subject of an offhand answer to questions put in this House. The only thing I feel it my duty to say is, that we shall continue to consult with France and Austria on a matter in which, as the House knows, we have been acting in concert with them. What the result may be it is impossible for me to state; and even if it were possible, it would be unbecoming in me to do so.

SIR JAMES FERGUSON said, that the speech of the noble Lord in no way relieved the discussion from those features which might cause it to have a grave effect on public opinion, and on the view which foreign countries might take as to the opinion of Her Majesty's Government in respect of the Polish question. Some hon. Gentlemen had expressed sentiments calculated to create alarm on this subject, and it was desirable that something should be done to show the world that they did not express the opinion of that House. As an humble Member of the House of Commons, who was only entitled to speak for himself, he protested against reckless statements to the effect that Great Britain was ready for any eventuality arising out of the present negotiations. Such statements might do for popular meetings, to the proceedings of which little importance was attached, but they did not befit the House of Commons, on whom a grave responsibility rested. England, he affirmed, had never in the present century undertaken a war except where her own interests or honour were concerned. The Crimean war was undertaken to prevent the overthrow

of a balance of power in the Mediterranean. But Poland was a country with which we had no special relations, and she might be removed from the map of Europe without in any way affecting our interests. It was one thing for this country to sympathize with the feelings of a suffering people in any part of the world, and another for this country to engage in a struggle in which it had not the least concern. He sympathized with the people of Poland, and he sympathized with the people of the Confederate States of America; but he did not see that we were to interfere as the police of the world, unless the interests and the honour of this country imperatively demanded it. Our duty, then, was to remain spectators of the events in Poland. It might be that Her Majesty's Government had erred in the tone of their despatch; but he protested against this country being, on that account, dragged into a position of greater difficulty, and into a war from the consequences of which he turned with horror.

SIR JOHN SHELLEY said, he presumed that the allusion made by his hon. and gallant Friend to statements elsewhere referred to a public meeting over which he had had the honour of presiding, and he could only excuse those observations from the fact that the hon. and gallant Member had not read the speeches delivered at the meeting to which they had reference. He denied that there had been reckless speeches, or speeches unworthy of a Member of that House, made there, and all that he had said as president of the meeting he was prepared to repeat in his place in Parliament. If his hon. Friend would read what fell from him and other speakers at St. James's Hall, he would be sorry for the observations which had fallen from him; for if there was one thing more than another which was foremost in his thoughts and in the thoughts of others who spoke upon that occasion, it was their desire to strengthen Her Majesty's Government if they should find hereafter that insults were heaped upon this country, and to ensure them of support in any course which might be necessary, even though it should lead to war. If any mistake had been made upon this subject, it was by the Government in making a proposition to Russia which no man of common sense could believe her likely to accept, and the reply was an insult to this country.

SIR JAMES FERGUSSON said, he had no intention to convey anything disrespect-

*Sir James Fergusson*

ful to his hon. Friend, and he was sorry that any remarks of his should have led to that impression.

Motion, by leave, *withdrawn*.

# ALKALI WORKS REGULATION BILL (Lords).—[BILL 220 & 266.]

## LORDS' AMENDMENTS.

Lords Reasons for disagreeing to one of the Commons' Amendments *considered*.

Amendments made by The Lords to the Amendments made by this House *agreed to*.

MR. SOMERSET BEAUMONT said, that that House had decided by a majority of 87 to 62 in favour of the insertion of a clause taken from the Factory Act, but the Lords had disagreed to that Amendment. The clause was one of two which provided that masters should not be liable for the acts of their servants of which they had no knowledge, and which the manufacturers had particularly urged should be adopted for the protection of their interests. As the manufacturers had given every assistance to the passing of the Bill, although it interfered with their trade, it was only fair that the House should now adhere to its previous decision in regard to the clause. He moved that the House do insist on its Amendment.

LORD STANLEY said, that the Lords had disagreed with the Amendment after a full discussion, and involving as it did a vital point—namely, that the penalty should be imposed on the manufacturer rather than on the workman, he saw no reason for disagreeing from it. The penalty proposed was very small, and would probably be attended with great benefit. The clause inserted in that House was at variance with the general principles of the law.

MR. DOULTON said, he hoped the clause would be retained. No sufficient reason had been assigned by the Lords for its omission.

COLONEL WILSON PATTEN, said, he thought the arguments in favour of the adoption of the Amendment made by the Lords was conclusive. The master manufacturers deserved every consideration at the hands of the House, but they need be under no apprehension as to the manner in which the Act would be worked if the Amendment of the Lords were adhered to. Prosecutions would be undertaken solely by the direction of the Inspectors, and in giving those directions they would be governed by fixed rules.

Mr. H. A. BRUCE said, he did not attribute very great importance to the clause on either side. Prosecutions could only take place at the instance of an Inspector, in concert with the Board of Trade. But the masters preferred the protection of the clause rather than the arbitration of the Board of Trade. He was therefore inclined to support the proposal of his hon. Friend for insisting on the re-insertion of the clause.

Motion made, and Question put,

"That this House doth insist on the Amendment made by this House to the said Bill to which the Lords have disagreed."—(*Mr. Somerset Beaumont.*)

The House divided:—Ayes 46; Noes 31: Majority 15.

Committee appointed,

"To draw up Reasons to be assigned to The Lords for insisting on the Amendment made by this House to the said Bill to which The Lords have disagreed:—*Mr. SOMERSET BEAUMONT, Mr. DOULTON, Mr. BRUCE, Sir GEORGE GREY, Mr. PEELE, and Mr. BRAND.*

To withdraw immediately; Three to be the quorum.

#### MALTA NEW DOCK.

##### PAPERS MOVED FOR.

SIR JOHN HAY said, he could not but complain of the inconvenient site chosen for the new dock at Malta, which was to be nearly two miles distant from the dockyard. The site had been condemned by Sir W. Martin, Admiral Codrington, and almost every naval officer, who all recommended the French creek in preference. He had been commissioned to report on the sea defences of Malta, and could confirm the statements of Sir W. Martin and Admiral Codrington on this subject. The dock also would be much more costly than was supposed. He begged to move for any further papers which might have reached the Admiralty with regard to this dock, especially a paper written by Admiral Codrington, who, on resigning his command at Malta, thought it his duty to state anew the reasons why he thought the French Creek preferable.

LORD CLARENCE PAGET, said, he had no objection to the production of the papers if his hon. and gallant Friend would specify which he wanted. The Admiralty had obtained the best opinion they could on the subject of the dock, and were acting on it. The estimate

made by Mr. Churchward for a dock at French Creek was double the cost of the computed expense of the one selected; and Mr. Churchward admitted that that estimate was made on an uncertain basis. There was no reason to suppose that the calculation of the cost of the new dock would be exceeded. He did not deny that French Creek was a very good site for docks, and probably at some future time it would be taken advantage of for that purpose. It could not, however, come into the hands of the Admiralty for at least three years, whereas they were able to begin the proposed dock at once. The authorities who had been referred to disagreed with one another in their plans, and they all agreed to disagree with her Majesty's Government. He would like to know whether the opinion of Sir F. Grey and Mr. Whitbread was not quite as much entitled to confidence as that of Sir William Martin and Admiral Codrington. It was quite easy for hon. Gentlemen to come down here at the end of the Session, and advocate schemes put forward by various parties; but the Government were responsible, and they had acted for the best, and with full consideration. We required a dock at once, and the plan adopted was the readiest and best method of meeting the necessity.

SIR JOHN PAKINGTON said, the noble Lord had no right to reproach the hon. and gallant Baronet with coming down at that period of the Session to raise a discussion on this subject. The Papers were moved for six weeks ago, and when they were produced the most important of them was omitted.

LORD CLARENCE PAGET: No Paper, that he was aware of, which bore on the subject, was omitted. If any one were omitted, it must probably have come after the Papers were moved for.

SIR JOHN PAKINGTON said, it ought to have been produced. It was important, because it contained the opinion of a competent judge. Before they embarked in that large expenditure they ought to adopt the best plan, and having regard to the conflict of opinion on the subject, he wanted to know whether the Government would give a pledge that they would not incur any expenditure during the recess which would bind them to proceed with the works until the opinion of the House could be taken upon the matter next Session.

Mr. STANSFELD said, it would be

impossible for the Government to give any such pledge. The Government had taken the very best advice upon the matter, and felt bound to proceed with the works. It would, of course, be open to the right hon. Gentleman to raise the question in the next Session, when the Admiralty would state the reasons for the course they had taken.

Copy ordered, "of any further Papers relating to the proposed New Dock at Malta."—(*Sir John Hay.*)

House adjourned at a quarter before Two o'clock.

## HOUSE OF LORDS,

*Saturday, July 25, 1863.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—Rum Duty (No. 251).

*Third Reading*—Indemnity; Land Tax Commissioners' Names (No. 246); Promissory Notes and Bills of Exchange (No. 244); Poisoned Grain, &c. Prohibition (No. 243); Removal of Prisoners (Scotland) (No. 200); Charitable Uses (No. 152); Companies Clauses (No. 232); Railways Clauses (No. 238); Expiring Laws Continuance (No. 241).

### TELEGRAPHS BILL.

#### COMMONS' REASONS CONSIDERED.

Commons' Reasons for disagreeing to certain of the Amendments made by the Lords to this Bill *considered*.

The Amendments to which the Commons disagree not *insisted on*.

On the Motion of Lord STANLEY of ALDERLEY, the Commons' Amendments were agreed to, with a proviso in Clause 20 that the power therein given to telegraph companies to carry their wires over gardens in cities and boroughs, without the consent of the owners, should not apply to ornamental gardens or pleasure grounds; also with another proviso that in cases where the assent of the civic authorities only is required, public notice thereof should be given by the companies.

Other Amendments amended: The remainder of the Amendments *agreed to*; and Bill, with the Amendments, returned to the Commons.

### POISONED GRAIN, &c. PROHIBITION BILL.—[BILL 243.]

Bill read 3<sup>d</sup>.

THE EARL OF CORK moved to omit from Clause 3 the words "ground or" confining

*Mr. Stansfeld*

the operation of the Act to grain laid in exposed places.

LORD REDESDALE opposed the Amendment.

On Question, Whether to agree to the said Amendment? their Lordships *divided*:—Contents 4; Not-Contents 13: Majority 9.

*Resolved in the Negative.*

#### CONTENTS.

Airlie, E. [ <i>Teller.</i> ]	Lyveden, L.
	Wensleydale, L.
Boyle, L. ( <i>E. Cork and Orrery.</i> ) [ <i>Teller.</i> ]	

#### NOT-CONTENTS.

Westbury, L. ( <i>L. Chancellor.</i> )	Worcester, Bp
Somerset, D.	Foley, L.
Bath, M. [ <i>Teller.</i> ]	Mostyn, L.
	Redesdale, L. [ <i>Teller.</i> ]
Granville, E.	Saye and Sele, L.
	Silchester, L. ( <i>E. Longford.</i> )
Sydney, V.	Saint Leonards, L.
	Sundridge, L. ( <i>D. Argyll.</i> )

### ALKALI WORKS REGULATION BILL [H.L.] (No. 215.)

"Returned from the Commons, with a Reason for insisting on One of the Amendments made by them to the Bill to which the Lords have disagreed; and with the other Amendments made by the Lords to the Amendments made by the Commons, *agreed to*: Reason, and Bill with the Amendments, to be *printed*; and to be considered on Monday next. (Nos. 257 and 258.)

### STATUTE LAW REVISION BILL. [H.L.] OBSERVATIONS.

LORD ST. LEONARDS said, that having been absent when this measure was considered, he had not the opportunity of expressing his strong sense of the admirable manner in which the Gentlemen who prepared the Bill had executed their task. He desired to point out to their Lordships that the schedule of the Bill did not afford complete evidence of the amount of labour performed by the gentlemen who had prepared this Bill. Quite as much labour and attention were required to determine what should be left out as to decide what should be included in the schedule. He made this observation in justice to the two gentlemen, and to his noble and learned Friend on the Woolsack, who had directed and personally assisted them. These gentlemen, who had performed their work so admirably, were not, in his opinion, at all adequately remunerated. The sum of £700 a year was really no remuneration for the time and labour requisite for the

execution of such a work as this. And, besides the labour which was performed, the responsibility which these gentlemen undertook ought to be considered. If it should appear that with all their care there had been the slightest slip in the performance of their duty, they would be exposed to a series of attacks which might make any man tremble.

THE LORD CHANCELLOR said, he quite concurred with his noble and learned Friend, that the country owed a debt of gratitude to the gentlemen who had devoted themselves to this great work for a most inadequate remuneration. The whole expense of the revision and expurgation of the statutes by these gentlemen had not exceeded £3,160, which was much less than that expended on former Commissions of a like character. He agreed with his noble and learned Friend that a greater amount of remuneration ought to be awarded to these gentlemen.

House adjourned at Two o'clock, to Monday next, Twelve o'clock.

## HOUSE OF COMMONS,

Saturday, July 25, 1863.

### FISHERIES (IRELAND) BILL.

#### LORDS' AMENDMENTS.

#### Lords' Amendments considered.

Page 1, line 14, the first three Amendments read a second time.

MR. BAGWELL said, he thought that before the House proceeded to consider *seriatim* the Amendments which had been made by the Lords, it would be convenient if the right hon. Gentleman would explain the bearing which those Amendments would have on the operation of the Bill.

SIR ROBERT PEEL said, that the Amendments which had been introduced by the Lords consisted of two or three rather important particulars. The first alteration made was in Clause 3. As the clause went up from the Commons it stood thus—"After the passing of this Act no bag net shall be placed or allowed to continue in any river or estuary except in the open sea, at a distance of more than three statute miles from the mouth of such river or estuary." The Lords had inserted in the clause the words—"as such river has been defined by the commissioners of

fisheries, or shall be defined under this Act;" but the introduction of those words would not in the least alter the effect of the Bill in that particular, because by a subsequent clause it was stated the special Commissioners would have full power either to accept the present definition as to rivers or estuaries, or to alter it. But there was one effect the Amendment would have, that bag nets would be prohibited within three miles of rivers, of the mouths of rivers only, and not of estuaries. The next alteration was in Clause 8. As the Bill went up from the Commons to the Lords, it would appear that where a gentleman had a weir extending a certain distance into the stream, there being a gap in the deepest part, he would still be obliged to make a second gap in the weir. It was quite evident that that was not the intention of the House of Commons, and that had been corrected by the Amendment which the Lords had made in the clause, and he hoped, therefore, the House would agree to it. The Lords had omitted Clause 20, which related to the weekly close season. Looking, however, to the period of the Session, and feeling an anxiety that the Bill should not be put in jeopardy, he hoped the House would be disposed to accept the Amendment of the Lords in this particular. Two new clauses were added. One of these new clauses (Clause 24) would have the effect of preventing netting in fresh waters between eight in the evening and six in the morning.

Clause 3 (Prohibition of Bag Nets in Certain Places).

COLONEL DUNNE said, he would move that the House do not agree to the Lords' Amendments, so far as they would allow of bag nets being used or erected in the estuaries. He thought that many of the claims put forth under the Act of 1842 were illegal, and could not be supported in any court of justice. The Amendment would seriously interfere with the operation of the measure, and if accepted, would prevent the law from being final, and the whole question would have to be re-opened in another Session.

MR. M'MAHON said, he was of opinion that the Government ought to stand by the Bill as amended by that House and sent up to the Lords. If the Lords' Amendments were agreed to, the rights of numerous persons would be most unjustly interfered with, and the cottmen, or persons who obtained their livelihood on the rivers in



Ireland by fishing, would have their occupation entirely abolished.

MR. BLAKE said, that the most mischievous things used in the fisheries and rivers of Ireland were bag nets; and if his hon. and gallant Friend went to a division, he should vote with him.

MR. MONSELL said, that the clause, as it came down from the Lords, would abolish all bag nets in the Shannon.

MR. H. A. BRUCE said, that the clause, as it came down from the Lords, much more closely resembled the clause originally introduced by the Government than the clause as it was sent up from the House of Commons; and having been so altered, the hon. and learned Member for Wicklow could not expect the Government to incur the hazard of a rejection of the Bill by agreeing with the Motion of the hon. and gallant Member for the Queen's County. The Bill would, if passed in its present shape, be, upon the whole, a most useful measure, and a great improvement of the Act of 1842.

LORD FERMOY said, he should oppose the Motion. It would be a hard thing to prevent a man who resided on the coast of the Atlantic, and who, under the Act of 1842, had a right to use bag nets, from using these nets. He hoped the House would not pass a clause which would compel those persons to abolish their bag nets. He thought the House should agree to what the Lords had done, and for the present accept the Bill as it stood, or the result would be that no Irish Fishery Bill would pass that Session.

Motion made, and Question put, "That this House doth agree with The Lords in the said Amendments."

The House divided:—Ayes 40; Noes 13: Majority 27.

Amendments, as far as the Amendment in page 8, line 19, agreed to.

Page 8, line 19, the next Amendment, read a second time.

COLONEL DUNNE said, he objected to another of the Lord's Amendments to the same Clause, but he should decline to divide the House against it, as his object was simply to enter his protest against the Bill.

Clause 17 (Power to define Estuaries and Mouths of Rivers).

MR. BUTT said, the Amendment introduced in the 17th clause was only useful with respect to the 24th clause, which pro-

hibited netting for the capture of salmon in the fresh water portion of any river as defined by the Commissioners under the Act, except between the hours of eight in the evening and six in the morning. He contended that the Amendment introduced by the Lords was directed to destroy the public right of fishing. It would extinguish the poor cottiers, and he moved, therefore, that the House disagree with the Lords' Amendment.

MR. BLAKE said, he concurred in the view taken of the clause as it stood by the hon. Member for Youghal.

MR. H. A. BRUCE said, the words introduced by the Lords were intended simply to meet the case of netting in fresh water. It was a point decided by the Scotch Commissioners every day. He suggested that it would be better to raise the question at a later stage.

MR. BUTT intimated his willingness to accede to the suggestion of the hon. Gentleman.

Amendment by leave *withdrawn*, and the Lords' Amendment was agreed to.

On Clause A (Penalty for using Boat or Cot for the Capture of Salmon during Weekly Close Time).

MR. M'MAHON objected to the clause, and thought the House ought not to allow it to remain in the Bill.

MR. H. A. BRUCE said, he saw nothing unjust in a person who used netting for the capture of salmon during the weekly close season, being subjected to a penalty of £5. He agreed that the second part of the clause was of a harsh character.

LORD FERMOY said, he could not but denounce the clause as most harsh in its character, and it would be ruin to the poor man to seize his cot. He considered that the latter part of the clause relating to the forfeiture of the boat or cot for a second offence should be omitted; and as a necessary preliminary to moving an Amendment to that effect, he should move that the words "for the first offence" be struck out of the first portion of the clause.

Amendment proposed, to leave out the words "for the first offence."

SIR ROBERT PEEL expressed a hope that the House would agree to the Lords' Amendment. They attached great weight to the clause. If it was known that for a second offence the boat would be forfeited persons would be deterred from transgressing the law.

Mr. M'Mahon

Question, "That the words proposed to be left out stand part of the Amendment;" put, and *agreed to*.

*Amendment agreed to.*

Page 9, the next Amendment, leave out Clause 20, read a second time.

Clause 20 (Weekly Close Season).

MR. BLAKE said, he would then propose to restore Clause 20, which had on two divisions in the other House been rejected, first by a majority of one, and afterwards by a majority of fifteen. He thought the House ought to insist upon a restoration of the clause.

COLONEL DUNNE said, he considered that if the House did not restore the clause, the Bill would be of very little use.

MR. H. A. BRUCE said, he hoped the House would agree with the Lords. The second division showed that the other House were determined to reject the clause, and it would only jeopardize the Bill if it were again inserted.

MR. M'MAHON said, he should support the Amendment of the hon. Member for Waterford (Mr. Blake).

SIR ROBERT PEEL said, he thought it would be better to have a uniform close time of forty-eight hours for all cases. There was very little chance of the Lords agreeing to the restoration of the exception as to stake nets.

Motion made, and Question put, "That this House doth agree with The Lords in the said Amendment."—(*Sir Robert Peel*.)

The House *divided*:—Ayes 34; Noes 17: Majority 17.

Page 9, line 34, the next Amendment, read a second time."

Clause B (Nets not to be used between Eight o'clock in the Evening and Six o'clock in the Morning).

MR. MONSELL said, that the new clause introduced by the other House, in reference to the hours to be allowed for fishing, and enacting that the cotmen should be prohibited from fishing between the hours of eight in the evening and six in the morning, would, if it were agreed to in its present shape, destroy the rights of hundreds of persons.

MR. BUTT said, he should move the omission of the words "between eight in the evening and six o'clock in the morning."

Amendment proposed, to leave out the words "between the hours of eight of the

clock in the evening and six of the clock in the morning."—(*Mr. Butt*.)

Question proposed, "That the words proposed to be left out stand part of the Amendment."

SIR ROBERT PEEL opposed the Amendment.

MR. BAGWELL said, the effect of the clause as it stood would destroy rod-fishing in fresh waters.

MR. BUTT said, he would withdraw the Amendment, and vote against the clause entirely.

MR. H. A. BRUCE said, he would admit that the provision was rigorous, but he thought the rights of the fishermen should be regulated, and therefore he would support the clause.

MR. M'MAHON said, the clause would sacrifice the common-law rights of the rod-fishers.

Amendment, by leave, *withdrawn*.

Motion made, and Question put, "That this House doth agree with The Lords in the said Amendment made by their Lordships."

The House *divided*:—Ayes 25; Noes 14: Majority 11.

Page 10, line 5, the next Amendment, read a second time.

MR. HENNESSY said, he would oppose the next Amendment, on the ground that it imposed a duty on rod-fishing. He wished to appeal to Mr. Speaker whether the House of Lords were entitled to insert such a provision.

MR. SPEAKER said, that as the Lords' Amendment was intended to carry out the intentions of the House of Commons, he thought that no objection could be taken to it on the point of order.

MR. H. A. BRUCE said, he must oppose the Motion, on the ground, that as other persons engaged in fishing had to pay a licence duty, those who used rods ought to do so. The Amendment made by the Lords was one which ought to have been made, and which it was intended by the Government should be made by that House, but through an oversight it was omitted.

Motion made, and Question put, "That this House doth agree with The Lords in the said Amendment."—(*Mr. Bruce*.)

The House *divided*:—Ayes 36; Noes 4: Majority 32. [Special entry.]

Subsequent Amendments *agreed to*.

House adjourned at a quarter before Three o'clock.



## HOUSE OF LORDS,

Monday, July 27, 1863.

MINUTES.]—PUBLIC BILL—*Third Reading*—*Consolidated Fund Appropriation.*

## ALKALI WORKS REGULATION BILL. [H.L.]

Commons' Reason for insisting on One of the Amendments made by the Lords considered. (Nos. 257 and 258.)

Then it was *moved*, not to insist on the Amendment to which the Commons have disagreed.—(*Lord Stanley of Alderley*).

THE EARL OF DERBY said, that the Amendment almost deprived the measure of practical utility ; but the Bill laid down a principle which might have some moral influence ; and as the owners of these alkali works were men of respectability and high character, he hoped that they would themselves pay, and enforce on others under their influence obedience to the requirements of the law, when they found what the law was.

LORD STANLEY OF ALDERLEY thought the Bill as amended was calculated to effect the object contemplated by the Select Committee, especially as the owners of the alkali works declared their readiness to adopt the measures referred to in the Bill. The Commons were of opinion that the County Court should be substituted for the Quarter Sessions as better calculated for carrying the provisions of the Bill into effect, and an appeal clause was also carried unanimously. The only clause to which there was opposition in the Commons was that which would make masters liable for any fault of their servants, even though they themselves had taken every precaution which could be fairly required of them. He was of opinion that the objection of the Commons to this clause was well founded. The masters themselves had shown every disposition to submit to Parliamentary regulation ; and as nothing would be more dangerous than undue interference with the conduct of important branches of manufacture, he trusted the noble Earl would not persist in his opposition.

THE EARL OF DERBY said, he would not offer any further opposition ; but he would suggest, that though the Bill was not to come into operation until the 1st of January 1864, the Board of Trade should appoint Inspectors in the mean time who might go down and make themselves acquainted with the districts.

LORD STANLEY OF ALDERLEY said, measures would be taken by the Board of Trade so that the whole machinery of the

Bill might be ready to come into operation on the 1st of January.

On Question, Whether to insist ? *Resolved* in the *Negative*.

## GREECE—CESSION OF THE IONIAN ISLANDS.

VISCOUNT STRATFORD DE REDCLIFFE rose—

" To call attention to the proposed Guaranty of the Ionian Islands, when transferred to Greece, as appearing from the First Article of the Fourth Protocol of the Conference held at the Foreign Office relating to Greek Affairs, and recently presented to the House, by Command of Her Majesty."

The question to which he referred might be best explained by the Notice which he had placed on their Lordships' book, and which related to the Conference which appeared to have taken place at the Foreign Office on the 26th of last month ; and the particular point to which he wished to direct attention was the guaranty which it was proposed to extend to those Islands, similar to that which had hitherto been extended to the monarchy of Greece. He wished for a moment to refer to the cession of the Ionian Islands, and he would confine himself to reminding their Lordships of what he considered the main objections to that cession. The first objection was the want which we might feel, particularly with regard to Corfu, in case of war in the Mediterranean. When the Ionian Islands first became an object of policy with this country, an expedition was sent out against six of the Islands, which were taken possession of by His Majesty's forces after a considerable expenditure of blood and treasure. That expedition did not attack Corfu, and the reason was to be found in this—that it was occupied by the French, and could not probably be attacked with success. Another point of which he would remind their Lordships was the objection which appeared to be entertained by the Government of Austria ; and—what went further than a mere expression of opinion—the positive diplomatic objection on the part of Turkey. Then there were other points, such as the loss of the money which had been expended on the fortifications of those Islands, and especially of Corfu, during the last forty-five years. Of course, if we transferred the Islands to another Power, we not only lost all that money, but placed in their hands what might be turned against ourselves in the course of events. There were other points which must be present to their Lordships' minds with respect to this transfer, which

he held to be most objectionable, and the more so as they now found that this application of a guaranty seemed to be considered as a necessary part of the transfer. Another point was whether the cession was well calculated to carry out the generous intentions of his noble Friend (Earl Russell). He confessed he was of opinion, that while it would create additional embarrassment for Greece, it would not add to the happiness of the Ionian Islanders themselves. It was said that the Islanders were left to choose for themselves, and that there would be no change if the Ionians did not themselves sanction it by their votes. But perhaps those who were standing by might form as just an idea of the position of the parties as those who were more immediately interested. With respect to Greece itself, he would read an extract from a letter which he received a few days ago from Athens, and which presented a vivid picture of the state of things. It was dated the 16th—

"Of these disturbances, in which I believe that from 150 to 200 men were killed and wounded"—the reports from other persons made the numbers much more, but his correspondent was a moderate man—"you will, no doubt, have seen the accounts. The fighting was more or less for a couple of days at intervals in different parts of the town. The Palace, the Bank, and the Acropolis were occupied or attacked. The most flagitious affair was the attack on the Bank by the well known Koronéos. Canaris and his sons appear to have been deeply mixed up in all these affairs, and Christides, Grivas, and others. Canaris has had a son killed in these skirmishes. Bulgaria is not altogether free from blame, although I acquit him of having done anything wilfully to bring on this state of civil war. The chief cause of it was the nomination of Koronéos to be Minister of War. He was only Minister for about a day, in which time he discharged and arrested all the commanders of corps supposed not to be friendly to him. That was the match which caused the general explosion. The three Ministers (foreign) at length interfered and tranquillity was restored to this distracted town. But how long it will last I don't know. A new Ministry has been formed, but it is difficult to get good men to accept office, as the composition of the National Assembly is such that it is difficult, if not impossible, for a good Minister to do his duty. We hear nothing from Denmark, see nobody thence; consequently intriguers make many people believe that there is no question of a King coming here."

He would ask their Lordships whether the present state of things in Greece—although he admitted that the people of that country had behaved with remarkable moderation after the retirement of King Otho—gave any guaranty of the future tranquillity of Greece, or any encouragement to hand over the Ionian Islands to that country. If there

were anything in the character of the inhabitants of those Islands to warrant the belief that they would, after their annexation to Greece, give to the Government of that country a different tone and character, he could understand the course taken by the Government. He could only hope, that as the transfer of these Islands was not completed, something would yet occur to prevent it; if not, he feared we should one day lament that we had been parties to a transaction that promised so ill for the tranquillity of both countries. He would remind their Lordships, that if the Ionian Islands were transferred to Greece, various circumstances might arise in the course of European policy which might render it necessary for us again to interfere, and which might render the possession of the Ionian Islands a source of danger both to themselves and others. It was a point of statesmanship in this country to avoid giving international pledges and guarantees which would compel us to interfere. More than one English Ministry had been compelled to go to war to redeem, at whatever cost, pledges that had been previously given, because the honour of the country was supposed to be involved in the redemption of those pledges. This danger belonged to all guarantees, and he therefore regretted that the principle of guarantees was so greatly extended as scarcely to leave a part of Europe where we were not in danger of war in consequence. Their Lordships could scarcely be aware of the extent to which this system of guarantees now prevailed. We had guaranteed the integrity and neutrality of Belgium. The Kingdom of Greece had likewise been taken under the guarantee of this country. The independence of Turkey had also been guaranteed by a treaty, which it was hoped would keep the Porte steady to those principles of reform without which Turkey would have no chance of escaping the dangers by which she was threatened. One of the greatest objections to such guarantees was, that after having entered into them we were no longer masters of our own policy. We were exposed at any moment to consequences of the most dangerous and hazardous kind, in which we might find our honour and our interest at variance. It had been his fortune to be connected with affairs that were attended with violent commotion, and it had been thought by some that his disposition had been rather to aid than to keep back the inclination to bring matters to the last extremity. His conscience,

however, acquitted him of any feeling of this kind, and he could appeal to all the varied diplomatic correspondence in which he had been engaged to show that no such accusation was well founded. Their Lordships might recollect that his noble Friend (Earl Grey), in a former debate, brought a heavy charge, not against himself in particular, but against diplomacy in general, for having caused the war with Russia. He believed that the Emperor of Russia, in consequence of the affair of the Holy Places and the negotiations which followed, thought he had lost a great deal of prestige both at home and in Turkey, and considered it absolutely necessary to take some step in consequence. He was, no doubt, confirmed in this determination by the disposition evinced by the Turkish Government to adopt improvements in regard to internal administration, and to connect Turkey more closely with European policy. Perhaps the Emperor thought, that unless something were done, the object of his ambition would escape him. The only way to recover lost ground in the eyes of his subjects, and to establish an exclusive preponderance over the Greek population in Turkey, was by undertaking a war with that object; and to that desire, and not to any failure of diplomatic action either on the part of the Ministers at home, or their agents abroad, might be traced the war which had taken place. It was impossible not to perceive the dangers which were threatening the country at this moment, and it would give him great pain to use language in the smallest degree tending to increase the risk of an unpleasant solution of existing difficulties. But it was impossible that any conclusion satisfactory to this country, or to those more intimately concerned, could be arrived at till the positive duty which this country had to perform was clearly ascertained. There was first a duty of a general kind arising from considerations of humanity; next, the duty, more or less positive, imposed upon us by treaty obligations; and lastly, the duty of maintaining peace and putting an end to a state of things which, if it were allowed to continue, would prove far more injurious to general tranquillity than any mistakes of a diplomatic character. Having gone so far into the Polish matter, he thought it would be wise, considering the present state of the public mind, if the Government were to take some step to induce Russia to change her policy. The more we multiplied our guarantees the more we exposed ourselves

to the danger of being involved in war in spite of ourselves. It was with regret he perceived that an approach to an engagement of this kind had been made; and if any expression of public opinion could be listened to at the present moment, he hoped it would produce a reconsideration, not only of the guarantee, but of the transfer to which it was annexed. It was with more than usual reluctance that he occupied a few minutes of their Lordships' time on this subject, but it was one of so much importance, and their Lordships were now on the eve of separating for so long a period, that he felt himself justified in taking the only opportunity open to him for expressing the opinions which he entertained.

EARL RUSSELL: My Lords, my noble Friend has a full title to be listened to at any period of the Session that he may think it his duty to make observations to the House. His distinguished services and his eminent talents, matured by experience such as few have enjoyed in modern times, must always give weight to any opinions expressed by him in his place in Parliament. Before the commencement of the Session, when I spoke to some foreign Ministers on the subject of the cession of the Ionian Islands and explained to them the views of Her Majesty's Government, it was said by certain parties that it was an outrageous and unprecedented proceeding for me to dispose of those Islands without the previous assent of Parliament. Those remarks were made in error; for, in point of fact, nothing was concluded before the Session of Parliament commenced, and nothing has been finally concluded even down to the present time. We have gone through a Session of about the usual length—it cannot be regarded as unusually short, though we have had fewer measures than usual—and yet, although it was open to noble Lords opposite, and to their political Friends in the other House of Parliament—although it was open to my noble Friend or to any other noble Lord objecting to this arrangement—to propose any vote or Resolution by which the negotiation would have been altogether stopped, we find that neither in this nor in the other House of Parliament was any Motion of the kind brought forward. We are therefore acquitted, at all events, of having set at defiance the deliberate opinion of Parliament and of the country. Whether we are liable to the observations of my noble Friend behind me or not, I believe the transfer to be one which meets the general approbation of the

country. I will not, therefore, go into the arguments which I used on a former occasion in defence of the policy which has been adopted. My noble Friend has spoken of the guarantee proposed to be given to the Ionian Islands. I must remind my noble Friend that the guarantee to Greece is not given now any more than the other guarantees to which he referred. The guarantee to Greece was given in 1832, and all that the representative of France, the representative of Russia, and myself, as representing the Foreign Office of Great Britain, have done has been to transfer the guarantee from the arrangement of 1832 to that which is now proposed to be made in 1863—that is to say, the present King of Greece stands in the same relations towards those electing him as King Otho did, the Ionian Islands having been added to Greece and comprehended within his territories. If the guarantee to the Kingdom of Greece was likely to lead us into embarrassment, it remains; but I do not think the addition of the Ionian Islands can add much to that danger. My noble Friend says that the Ambassadors of Austria and Turkey object to this union. It is quite true that at first they did not regard the proposition with favour; but, at least, I think I may fairly say that they do not now make any opposition whatever to the union of the Ionian Islands to Greece. There is a technical question with regard to the presence of the Turkish Ambassador as one of the acceding Powers; but, in the first place, Turkey never formally acceded to the Treaty of 1815 in reference to these Islands, and, in the second place, the validity of their transfer to Great Britain was not affected by that circumstance. With respect to the present state of Greece, I am very sorry to agree with my noble Friend that there have been military troubles and disorder in that kingdom. I am not sure, that when George I. ascended the English throne, we should have been perfectly free from tumult, if it had not been for some Dutch troops previously brought to this country; and, even as it was, there was a period of civil war, when more than one eminent person lost his head on the scaffold, before the throne of George I. was established. If that were the case where a King acceded to the throne immediately, is it more surprising that a country torn by party dissensions, and left without an acknowledged monarch for many months, from October to the present time,

should witness the breaking out of hostilities? It will be the work of the young Prince who has accepted the throne, and of his advisers, to endeavour to control these tendencies and to establish a free constitutional monarchy in that country. I am happy to say that the young Prince is well disposed to undertake that task, and Count Pahlen, who is a man of as much experience and political wisdom as any in Denmark, is quite willing to take his part as the adviser of the Prince in the execution of this work. As I have said before, I am disposed to hope rather than to despair with reference to subjects of this kind, and the greater prospect there is that the young Prince will be able to establish a constitutional monarchy, the more I rejoice that there is a Prince to be found in Europe, who has the courage, and who is disposed rather to take the part which William the Silent, Prince of Orange, took in the affairs of Europe, than to shrink from the splendid prize which is offered him, and from the duty of becoming the head of what is certainly a troublesome and troubled kingdom. My noble Friend does not entertain the sanguine hopes which I do with regard to the future of Greece. When Parliament meets again, we shall see whose opinion is the sounder, and I am sure that all your Lordships will rejoice to see Greece making progress in constitutional freedom. I agree generally with what my noble Friend has said as to guarantees and political influence, and I am glad that I do so, because his opinion upon such subjects must be of more weight than mine. The influence of this country ought to be maintained, and, if possible, increased, because it will always be exerted in favour of the freedom and independence of countries. I admit that there is considerable danger in multiplying guarantees. However, political circumstances may prevail over these general maxims. These guarantees were given, some in 1832, and others in 1856. I believe that the political circumstances of both those periods justified the giving of these guarantees. But, at the same time, I fully admit that we ought not unnecessarily to multiply such guarantees, because, when you have given a guarantee, you are not free to take either side which the interests of the country may require—to be active or entirely passive as your interests may demand—but must, as a matter of honour, carry out the guarantee which you have given. These are, however, questions of times and circumstances. The most dogmatic philosopher who ever wrote

upon politics, Rousseau, said that it was not an exact science, but one of times and opportunities, modifications and changes. I did not understand my noble Friend to lay down any exact rule which the Government ought, in his opinion, to follow with respect to such a question as that of Poland. He left every question to be decided, as I think every man must leave it to be decided in the first instance, by the aspect of the circumstances of the time and the view which Her Majesty's Government may take of those circumstances. I should certainly be very sorry to add to the difficulties both of the Government and the country by laying down any positive rules with regard to such questions.

THE EARL OF DERBY: My Lords, I hardly think that the noble Earl (Earl Russell) was justified in taunting the noble Viscount, or noble Lords who are not supporters of Her Majesty's Government, with the circumstance that this cession is brought before your Lordships at the very close of the Session. It is quite true that no Motion has been made in either House of Parliament upon the subject of the cession of the Ionian Islands, but the noble Earl will recollect, that when the subject was first discussed in the House of Commons, the noble Viscount at the head of the Government (Viscount Palmerston) laid down very distinctly and strongly the extraordinary doctrine—to which it appeared to me that the noble Earl (Earl Russell) did not entirely assent—that this was a question with which Parliament had nothing to do. If, at any period of the Session, the subject had been brought before either House of Parliament, or any attempt had been made to elicit their opinion upon the merits of the case, we should certainly have been met with the answer, "You are speaking at a very unreasonable time—a period when nothing definitively is arranged. You are anticipating what may be the course of proceedings, and it is very unusual and very inconvenient for the public service that questions which are still under discussion should be made the subject of discussions in Parliament." Therefore, I do not think that there is any imputation upon those who disapprove the policy which Her Majesty's Government have pursued for forbearing to raise any debate or take any vote as to the merits of an uncompleted transaction. On the other hand, it was almost impossible that the noble Viscount (Viscount Stratford de Redcliffe), with his great experience,

particularly in the affairs of that part of the Continent, with the knowledge which he possesses and the interest which he takes in the concerns of Greece and Turkey, should not draw your Lordships' attention before you separate for five or six months to the actual position in which Greece stands at present, and in which it is proposed to cede to it the Ionian Islands. I entirely concur with a great deal of what the noble Viscount said with regard to the impolicy of multiplying guarantees. The noble Earl admitted the general impolicy of such a course, but his sense of it does not, it seems, prevent him, under present circumstances, from entering into another guarantee, and one which I humbly think may lead to very inconvenient results. I agree also with the noble Viscount in the general objection which he has taken to the cession of the Ionian Islands in the interest of England, in the interest of the Ionian Islands themselves, and in the interest of the peace of Europe. I think that it is one of the most gratuitous cessations, not of territory, but of protectorate, possibly weakening the power of this country and strengthening that of others, which I ever recollect. And if anything could add to its impolicy, it would be the condition of the country to which we are about to cede these Islands and the circumstances in which it at present stands. The noble Earl, in the early part of this correspondence, proposed to cede these Islands, with the consent of the other Powers, when a constitutional monarchy should be established, when he should be satisfied that no aggressive notions were entertained by the Greeks, and should have reason to hope that their constitution was about to work satisfactorily. The noble Earl, upon being satisfied of these things, proposed to refer the question of the cession, first to the Ionians, and then to a Conference. Now, as I understand it, Her Majesty's Government propose to invert the order in which these steps are to be taken. It appears from the statement of the noble Viscount at the head of the Government, as I understand it, that after the Conference has decided that the Ionian Islands are to be ceded to Greece, you are to consult the Ionians as to whether they are willing to be ceded or not. I do not attach much importance as to which step should have precedence. I think that the latter is, to a great extent, a matter of form. But the question whether the Ionian Islands ought, under present circumstances, and with the

*Earl Russell*

present prospects of the establishment of an unaggressive constitutional monarchy, to be united to Greece is a question of much more importance. That is the condition which the noble Earl laid down, and to that I wish him to adhere. I hope that he will separate two questions which are entirely distinct, although brought together in the speech of the noble Viscount—the present condition of Greece and the policy of ceding the Ionian Islands—except so far as the present state of Greece is an additional argument against a cession which might, under some circumstances, have been less objectionable than I consider it to be. The noble Earl has spoken, not perhaps with great confidence—that would be too strong a word—but very sanguinely with regard to the political prospects of Greece. He has admired, and I think very justly admired, the courage of the young Prince who, under present circumstances, has undertaken to obtain for himself what the noble Earl calls “a splendid prize.” I confess that I have some little doubt as to the splendour of the prize which is to be attained; and though I do not question the courage of the young Prince who, at the age of seventeen, is about to throw himself among these discordant elements, to carve out of these unmanageable materials a possible constitutional monarchy, I must say—with all respect to that illustrious person, and sharing the satisfaction which the noble Earl expressed that any Prince could be found in Europe with sufficient courage to undertake such a task—that I give him more credit for the courage than for the discretion he has shown. I hope that the attempt may succeed, but I hope, I confess, against hope; and certainly the present state of affairs in Greece is not such as to offer any very reasonable ground for the sanguine expectations or the sanguine hopes which have been expressed by the noble Earl. At the commencement of our sitting this evening, I observed that the noble Earl had received Her Majesty’s commands to submit to us papers upon some very important questions, and, among others, Correspondence upon the acceptance of the throne of Greece by Prince William, and Papers connected with the state of Athens and Greece. I took up the papers with the anxious desire to ascertain what they contained, but, from circumstances with which my noble Friend is acquainted, I did not derive from the inspection any important information, nor did I add much to my stock of knowledge. But, my Lords, the position of Greece has

been very recently a cause of the greatest anxiety. Much blood has been shed, and I believe it is the fact that peace was only restored by the landing of a certain number of marines and seamen from the fleets of the protecting Powers. I have seen, I may add, a document, with respect to the authenticity of which I hoped to have been able to derive some information from the papers which have been laid upon the table; and I should wish to know from the noble Earl opposite whether it is genuine. It is a diplomatic protest, said to have been issued at Athens on the 3rd of July 1863, by the Ministers of the protecting Powers, and I will read from it, as it has been placed in my hands, the following extract:—

“The undersigned Ministers of France, Great Britain, and Russia, in pressing upon the heads of both parties of the combatants the cessation of hostilities, only obey a primary duty. The further duty still remains to them to address the Assembly in a manner in which their sympathy for Greece must not diminish the just severity. They do not hesitate to affirm that, according to their judgment, the horrors of this fratricidal struggle cannot find a justification by attributing its origin to misunderstood sentiments of patriotism, which often arm the natives of the same soil against each other. The undersigned unanimously declare that it is their decided conviction these sentiments do not exist, and that there is to be found nothing but the most criminal personal ambitions, of which there is no attempt to conceal the contemptible character; and these ambitions are disputing an ephemeral power at the risk of plunging the whole nation into an abyss in which their future destinies will be engulfed.”

Perhaps the noble Earl can inform me, before I go any further, whether that is or is not a genuine document.

EARL RUSSELL: I cannot answer at this moment as to every word of the extract, but it certainly contains the sense of the protest.

THE EARL OF DERBY: Then I must naturally assume that the utmost state of confusion prevails in Greece, and that all these discordant elements and all this personal ambition exist at a moment when a young Prince of seventeen is about to step on the scene. That, however, is not a question so much for us as for Denmark. It is, however, a question for us whether we ought to adopt the course of attaching to a State in such a position the Ionian Islands, of which we have taken upon ourselves the protectorate, and over the welfare of which we are bound to watch—for this was one of the consequences the protectorate threw upon us. Can we assume the responsibility of such a step in their case, whether they desire it or not? Does

that strong feeling of nationality, which I do not deny exists among the Ionian people, justify us in doing so? For my own part, I must contend, that whatever may be the policy of ceding the Ionian Islands—and I believe that cession to be most impolitic—it is a course which, under the circumstances in which Greece is at present placed, involves a crime of the gravest character. The noble Earl stated in the course of his arguments that he felt persuaded public opinion, if appealed to, would be found to be in favour of the cession; and it is very likely, that if persons who know little about the case, and who see in our protectorate of these Islands only a subject of embarrassment and of constant disputes with other Powers, were consulted upon the point, it would turn out that our possession of them may not be in accordance with the wishes of a large portion of the population of this country. There are, no doubt, a number of persons who would say, "The Ionian Islands have involved us in very considerable expense. We wish we were well rid of them, and that we had never had anything to do with them." That, however, was not the light in which the question ought to be viewed by statesmen. A statesman ought to consider, whether it is, on the whole, for the benefit of the Ionian people, for the advancement of British interests, and for the maintenance of British power—or by any Power which might desire to occupy that one of them which is worth anything in a military point of view—and authority, that these Islands should be ceded to a nation so distracted in itself and so liable to be overborne by other Powers as is this new and hardly formed Kingdom of Greece. I saw it stated in the papers—I do not know whether it is true or not—that within the last two months, during the recent tumults, the Ionian subjects in Athens had applied for the protection of the British Government, and that they were told, that being now subjects of the King of Greece, they were no longer entitled to the protection of this country. If that be so, there has been a most extraordinary anticipation of an event which has not actually taken place, and which even now I would venture to hope may not take place while Greece continues in her present distracted condition. I see nothing but mischief in the cession of the Ionian Islands under such circumstances, and I concur with the noble Viscount opposite in thinking that that cession is likely to be a source of embar-

assment to Greece herself, and to add to the difficulties which the new King of Greece will have in maintaining an unaggressive policy—because the Ionians themselves have in the most formal manner declared that they looked upon this cession but as an instalment of that which they hoped to achieve, and for the future attainment of which to look to receive support from the moral influence of Great Britain. On all these grounds I look upon the giving-up of these Islands at this moment to be a most unfortunate and a most imprudent step, and I rejoice that the speech of the noble Viscount has at the close of the Session given me an opportunity of once again recording my opinion as to the unhappy consequences which are likely to result from such a course.

EARL RUSSELL said, there were two points as to which there seemed to be some misapprehension. His noble Friend (Viscount Palmerston) had been represented to have said that Parliament had nothing whatever to do with the cession of the Ionian Islands to Greece. This, however, must have been a mistaken representation of what his noble Friend had said. He might have said that the Ionian Islands were not a possession of the Crown, and therefore could be alienated without the consent of Parliament; and when it was strongly urged that the Islands were an appendage of the British Crown, the obvious answer was that they were a free and independent State, under our protectorate, and that any contract made with regard to them did not require the sanction of the Legislature. But when his noble Friend was represented as saying that Parliament was not entitled to make the fullest investigation and inquiry into a cession of this kind, that was a statement which his noble Friend could not possibly have made. He (Earl Russell) hoped that those Gentlemen who were impressed with the belief that the Ionian Islands were a possession of the Crown had read the Treaty of 1815; they would then see that this was not the case. The noble Earl asked whether some Ionians at Athens had been refused the protection of our naval and diplomatic authorities. He (Earl Russell) had seen the rumour in the newspapers, but he had treated it as a mere rumour, and the letters and despatches he had since received contained no allusion to the matter. The noble Earl said he considered the cession of the Ionian Islands to be a crime of the deepest dye, but he

trusted that the noble Earl would find an occasion to alter his opinion.

VISCOUNT STRATFORD DE REDCLIFFE said a few words in explanation.

### METROPOLITAN RAILWAYS.

#### MOTION FOR AN ADDRESS.

LORD CAMPBELL, in rising to move an Address to the Crown, praying it to appoint a Commission to inquire into and Report on the principles which ought to govern further legislation on Metropolitan Railways, said, that since he had come into the House he had found that the Report of the Select Committee instructed by their Lordships to inquire into some part of the subject he proposed to bring under a Commission, was at length upon the table and distributed. No technical objection could be now presented to his Motion, if indeed any could have been at a former period. Nor would it involve reproach or disparagement of the Select Committee whose labours were concluded, that the agency which he required should be afterwards resorted to. The instructions and the purposes of the two would not in any manner be identical. The Select Committee were appointed mainly to deal with Bills before the House of Lords. The Commission would be called into existence to ascertain generally the true line of action on the question of extending or of not extending railways into the heart of the metropolis. But if the instructions were identical, if there were no new field to be explored, if the Commission was predestined to hear the very evidence the Committee had obtained, and make the exact recommendations which they had founded on it, the grounds for appointing it would not be removed. At the best, the conclusion of the Select Committee only represented the opinion—however accurately formed, enlightened, and deliberate—of the House of Lords itself. In order to meet, however, the exigencies of the subject, something more was necessary than the record of a judgment which either House of Parliament had come to. To declare principles of further legislation, and to remove the many difficulties by which the subject was embarrassed, they required the whole authority which a Commission appointed by the Crown was likely to enjoy. And that authority was known to be greater with the public than belonged to a Select Committee of either House of Parliament. There were two interests in controversy—the interest of companies who favoured schemes of metropolitan encroachment, and the interest

of householders who desired to resist them. The interest which seemed to gain by the Report of the Select Committee would still want a Commission to substantiate its victory. The interest which seemed to lose would want one to balance its defeat, or at least to give another chance to its pretensions. The question of a Commission, thus was not in any manner prejudiced. The *prima facie* reason for appointing it was that no other barrier could be well presented to the reckless schemes of metropolitan encroachment by railway companies, which were now familiar to the public. In *The Times* of Tuesday, March 3, a good description had been given of them, apparently from an independent source, but drawn up at least by some one well acquainted with the subject. The different projects were referred to; and their effects, if carried, in disturbing, in disfiguring, and riding roughshod over everything valuable in the town, were pointed to with emphasis and accuracy. It was shown that these schemes menaced what we were most entitled to preserve—situations of architectural effect, squares, and open places. The evil to be in some degree restrained was neither vague or difficult to analyse. It fell into these intelligible classes:—the insecurity of householders while these projects menaced every part of London; the deformity which, if executed, they must lead to; the increase of traffic in overcrowded thoroughfares likely to occur when railway stations came into central parts of London; and the prevention of improvements in the way of widening or rebuilding or removing streets which these viaducts, if once established, would occasion. Of these four items the insecurity of householders was, no doubt, the most material, because no difference of opinion could be raised upon it. From the few and opulent inhabitants of Carlton Gardens to the numerous and less favoured denizens of Bethnal Green, no man knew from year to year how soon he might be compelled to quit his house, or to engage in costly battles with a railway company to save it. Under these circumstances, the possession of a house was more a burden than a privilege. As yet, however, owing to the spirit of resistance displayed in the House of Lords on the Finsbury Circus Bill at the beginning of the Session, the encroachments had not reached a point to make precaution useless. If by next Session no authoritative judgment, calculated to form opinion and to govern legislation, came into existence, many projects of the kind would force themselves on Parlia-



ment. And it had long ago been shown that as things now stood Parliament was not entirely competent to deal with them. But there were some, undoubtedly, who thought no barrier desirable; that the projects ought to be in a great degree facilitated, and that they were not to be regarded in the light of an evil or a menace. But even that class of reasoners were bound in candour to admit that a perplexing problem had to be adjusted on this subject. A conflict of opinions and of interests, not as yet sufficiently explored, was at the bottom of the difficulty. It had never yet been pointed out in what manner to reconcile the wants of the mass who stayed at home with that of the minority who were rich enough to travel; in what manner to make it easier to go from one part of London to another without making London altogether uninhabitable; how, in a word, to add to the means of locomotion without sacrificing points which stood higher in the scale of general advantages. It had not been explained either, since 1846, what arrangement of termini in the metropolis would best promote the concentration of troops where necessary on the sea-coast. It was still more desirable to ascertain—and it had never yet been done—the true origin of the schemes which proposed to traverse the metropolis. There was much obscurity about it. At least, it could not be maintained with confidence as yet, that on the one hand they were based upon a popular desire, or on the other hand were founded on the personal capacity of schemers. But until this question was resolved it was impossible for Parliament to see how far to indulge and how far to repress them. No evidence had yet appeared of the support which they commanded. But the House were perfectly familiar with the resentment they excited in the householders they dispossessed, or whose commercial interests they trampled on. The true course for Parliament might be clear enough if a discovery were made of the mode in which these projects came into existence. Neither the Report of Colonel Yolland in March, nor that of the Select Committee, which had been distributed to-day, could be said to grapple with, or indeed approach the problem he had touched upon. No reason had been yet started against a Commission on its merits, except that the Commission of 1846 had not been influential upon Parliament. He joined issue on the statement. No one who took the trouble to study the Report of 1846 could help

*Lord Campbell*

seeing that it had, to a great extent, controlled our railway legislation. The principle it laid down, founded on a long series of arguments, was that termini should be permitted to come further into London on the southern bank of the Thames than on the northern. That principle had been generally followed. A variety of projects had been checked by the Commission of 1846, or at least had been discouraged then, and had not yet been sanctioned. It was true; however, that departures from the rule laid down at that time were now more frequent than they used to be. What was the conclusion? If the voice of the old Commission was now become in some degree inaudible—if its lessons were set aside as obsolete, they were all the more in want of another power to replace it. So long as its authority prevailed, schemes of encroachment upon London were kept in certain limits. Now its authority was faded, that branch of speculation had grown altogether reckless, and would probably remain so, until the equivalent he asked for had been granted. He (Lord Campbell) would now release the House, and only thank them for the patience they had shown, were it not for some remarks in a paragraph of the Report of the Select Committee, intended to dissuade the Crown from appointing a Commission on the subject. In making these the Select Committee appeared to have gone beyond the task which was assigned to them, and they could not therefore have the weight which belonged to anything which came within the order of reference. [Lord CAMPBELL then read the objections contained in the paragraph referred to, and replied to each of them.] The first was, the delay which a Commission would impose on railway projects. If the Report appeared, as it might, during the autumn, no delay would be imposed on the projects which the Commission sanctioned. The next objection was, that Parliament might not be governed by the views of the Commission. This weak conjecture might have been urged against every Commission which had inquired and reported on any subject in the last thirty years, and it was well known our most important legislation during all that time had originated in Commissions. The last objection was, that if the Commission were to frame and to propound a scheme for bringing railways into London, there would be no power to execute it unless companies adopted it. It was just possible, however, the Commission might not frame or propound a scheme for

making railways traverse the metropolis. It was begging the whole question to assume that they would do so—at least, they would not be appointed, according to his Motion for that purpose, and the objection, therefore, did not bear upon the question he submitted to their Lordships. He had shown that the Select Committee was no obstacle to the course which he proposed, and which some of the most distinguished Members of the House had urged upon the Government. He had shown that a Commission was necessary as a barrier to protect the metropolis and give tranquillity to householders—as an umpire to adjust conflicting wants and settle controverted problems. He had shown that the experiment of 1846 had been successful and ought now to be renewed. The credit which the House of Lords had gained by their resistance to the Finsbury Circus Station would hardly be maintained, if under these circumstances they declined to give their voice for a Commission. If the Government opposed it, they could only do so from a disposition to encourage and facilitate the schemes by which the metropolis was threatened. In the event of such a disposition upon their part, the public could not look to them for the protection it required, and the agency which he proposed was more than ever indispensable. Whatever line they took, whichever way they turned, the Government could only give new strength to his position. And he ventured to express a hope, that what they were inevitably forced to maintain by their remarks, they would not deem it right to overbear by their majority, even had they brought down a majority to-day.

*Moved*, That an humble Address be presented to Her Majesty, praying Her Majesty to appoint a Commission to inquire into and report upon the Principles which ought to guide further Legislation on the Subject of Metropolitan Railways.

LORD STANLEY OF ALDERLEY said, that when the Select Committee on Metropolitan Railways was appointed, many noble Lords expressed a desire for the issue of a Royal Commission, and their Lordships came to the conclusion that that point should be taken into consideration by the Select Committee. The Committee, after anxiously considering the matter, came to the unanimous conclusion that it was not expedient that a Commission should be appointed, as a Commission was not likely to obtain any information which might not be procured by other means. The Committee also thought that the appointment of a Commission was very much

calculated to postpone the proceedings connected with any works necessary for the construction of metropolitan railways; for until the Commission had reported, which probably would not be before the commencement of next Session, no parties could take steps for surveying and preparing the necessary preliminaries for constructing metropolitan railways. The Select Committee, however, deemed it desirable to lay down some general principles which they thought ought to guide parties who proposed to construct railways to facilitate communication in the metropolis, and which were such as would meet with general concurrence. One of these recommendations was, that there should be no great central terminus; another was, that all the metropolitan railways should be under one management; they also suggested that there should be a Standing Order of both Houses that no scheme should be passed that did not connect itself with some portion of the general scheme. There had been no opportunity of communicating with the other House, but he hoped that next Session the suggestions of the Select Committee would not be without effect. With regard to the Motion of the noble Lord, he must say, that he did not think that Parliament would be disposed to devolve upon a Commission the proposal of the principles which ought to guide further legislation, as that was a matter more proper for Parliament itself to decide on; and he believed that the recommendations of the Select Committee would assist existing companies or other parties, who might consider the matter during the recess, in preparing such a scheme as would give all necessary facilities for metropolitan communication, in conjunction with the establishment of proper safeguards. He therefore did not think it would be desirable to comply with the noble Lord's proposal for the appointment of a Commission.

THE MARQUESS OF CLANRICARDE was of opinion that metropolitan railways ought to be constructed in accordance with one general scheme, and he believed that that object was not likely to be accomplished unless through the intervention of some Commission such as that now suggested.

LORD REDESDALE said, that the inquiry before the Select Committee afforded strong grounds for hope that some plan of an efficient nature, with respect to metropolitan railway communication, would be proposed to Parliament in the ensuing

Session. This constituted a sufficient reason for not proposing now any Motion for a Commission; particularly as the effect of appointing a Commission would be, that no plan whatever could be brought before Parliament next year, because the necessary Parliamentary notices must be given at a period when no scheme could possibly have been prepared in accordance with the recommendations of any Commission. There would be a jealousy on the part of the other House and the public if one House were to lay down a rule that a provision of a particular kind should be introduced into the Notices. They should, therefore, trust to the good sense of those who might bring forward schemes next Session that they would endeavour to make those schemes conformable to one general plan. At the same time, he thought that recommendation of the Committee a most important one, that the management of such a system of metropolitan railways should not be in the hands of one of the great companies.

EARL FORTESCUE said, at first sight it might appear that the Metropolitan Board of Works would be the proper authority to be intrusted with the management of such a general system; but they had shown themselves incompetent in smaller things that they could not be trusted with so important a matter. They had not even yet improved the nomenclature of the streets. There were still dozens of King Streets, Duke Streets, Chapel Streets, and others, within a limited area. He had ventured to predict that more of its time would be spent in discussion than in work, and his prophecy had been amply borne out by the result. He felt confident that the public did not desire to give them more to do.

LORD CAMPBELL made an observation in answer to what had fallen from his noble Friend the Chairman of Committees. As regarded the noble Lord the Post Master General, he had not controverted one of the positions which he (Lord Campbell) had supported. His speech was based on the assumption that everything ought to be done to precipitate the schemes against which, according to the opinion prevailing in the House and in the country, a barrier was necessary. As the noble Earl who led the Opposition was now present, as his friends would naturally vote with him, and as he had conspicuously declared himself some months ago in favour of the course which he (Lord Campbell) was urging, he should divide the House, unless the noble Earl had altered his opinion.

*Lord Redesdale*

THE EARL OF DERBY said, though at first he was in favour of the appointment of a Commission, now that the Committee had made a valuable Report, he thought the House would be placed in an embarrassing position if a Commission were appointed, and their Report differed from that of the Committee. He would therefore recommend the noble Lord not to press the Motion.

LORD CAMPBELL, under these circumstances, would deem it right to withdraw the Motion, as he could not rely on its being carried.

Motion (by Leave of the House) withdrawn.

#### EDUCATION—ENDOWED SCHOOLS.

THE MINUTE OF MAY 19, 1863.

LORD REDESDALE rose to call attention to the Minute of the Committee of Council on Education of the 19th of May last, and the Memorandum of the Committee of the National Society to the Committee of Council thereon. This Minute had attracted very little attention in or out of Parliament, but it was one which the public ought to be fully acquainted with, and he hoped the Government would give it further consideration before the time arrived when it would come into force in July next year. It was not easy to find out from the Minute itself what was proposed to be done. The Minute cancelled Articles 136 and 137 of the Revised Code, and added to Article 52 the words "by the amount of any annual endowment." Now, these words had the effect of reducing the grant which a school would receive from the Council by the amount of any endowment the school might possess. The proposal seemed to him to be in itself unfair, and it would tend to inflict a serious injury on our national system. The importance of the change would be best understood from the Returns which had been made by the National Society in 1846 and 1847, by which it appeared that 4,678 schools connected with that Society had endowments of one kind or another. Under this Minute they would lose all the advantages of their endowments; they would proportionately get little or none of the public money, and they must either raise the additional sums by private subscription, or must reduce the efficiency of the schools. Yet what inducement would there be to keep up good schools in agricultural parishes, when the assistance which

they expected was diminished in exact proportion to their exertion? A school might pass the best possible examination, yet the amount of public aid was in all cases to be reduced by that of the endowment. This was, in fact, a plan for applying the charities of the country in aid of the public revenue, and this was made during a year when a proposition to tax charities was so repudiated in Parliament and by the country that the Government were obliged to withdraw it. He did not believe that any argument could be adduced in favour of this proposition, which would be attended with injury to some of the best schools in the country. The National Society had pointed out that the amount of these endowments had been for the most part applied in raising the salaries of the masters and mistresses. They were for the most part an ill-paid class, and the existence of these better-paid masterships was a sort of premium to those engaged in conducting the education of the country. The proposition of the Committee of Council seemed, therefore, very ill-judged, and he trusted that it would, during the recess, receive the attention of the Government. Another point to which he wished to direct their attention was that part of the Minute by which it was proposed to appoint a new class of Inspectors' Assistants from the class of persons who had been educated for masters. The National Society pointed out that the masters and mistresses would consider that these persons were in no respect superior to themselves; and if the Inspector acted on their report, and not on his own judgment, some little jealousy would be caused, unless great care were taken, not only in regard to the emoluments given, but also as to the manner in which the examination was carried out.

THE EARL OF DERBY said, he could confirm the statement of his noble Friend, and could give an example of the hardship that would be caused by the Minute of Council, if it were carried into effect—the case of a school situated on an estate of his, in an agricultural district, occupied by small tenant-farmers. His father had built and endowed a church, and he (the Earl of Derby) had built some very good schools, which were under a certificated master, and were reported to be first-rate. The schools had an endowment of £48 a year in land, and that, with the local subscriptions, had endowed a good school. He had received a letter from the clergyman, who took a great interest in the matter, stating

that the maximum amount which this school would receive under the Government grant was £42 per annum; and as this was less than the endowment, the effect of this Minute would be that the Council grant would be wholly withheld, and the school would not receive one shilling of public assistance. Now, if he (the Earl of Derby) were to make up the amount thus withdrawn, in order that the certificated master might be retained, the effect would not be the same—the stimulus to exertion on the part of the master would be withdrawn. If the Minute were acted upon, the efficiency of many schools similarly situated would be seriously affected. Another point requiring attention was the difficulty in country districts of obtaining three managers to meet the technical requirements of the Privy Council. He did not see the necessity of insisting on this rule. The fact was, that in many places the clergyman was, practically, the only manager, and other persons lent their names as his coadjutors merely for the purpose of complying with the requirements of the Committee of Council. That was certainly but a small point; but he trusted that the Council would take it into their consideration, with a view to a relaxation of the rule.

THE EARL OF POWIS said, that the Commissioners of Charities at present enabled the trustees of charities to vary the mode in which they employed the funds, and to appropriate a portion to educational purposes. This, however, would be the last thing they would think of if the amount contributed were to go in diminution of the grant. Bearing in mind that the great majority of parochial schools were in connection with the Established Church, the Government, if they had wished to diminish the assistance given to schools of that denomination, could not have adopted any more effectual mode.

THE DUKE OF SOMERSET, in the absence of the Lord President, said, that the Educational Grant was voted by Parliament for the purpose of assisting the education of the people where sufficient means did not exist, and it was desirable that the money should be applied in the most economical way. Now, it could not be said, that where a school possessed endowments, it did not possess some means of education, and he could see nothing unfair or unreasonable in deducting from the sums paid to schools the amount of any endowment they might possess. The

education of a child in a common elementary school, such as those under inspection, ought not to exceed 30s. per annum. For this estimate he had the authority of the Royal Commissioners, page 345. Grants under the Revised Code, when added to the average fees and subscriptions of an unendowed school, were calculated to make up about 30s. per child per annum; and he thought that endowed schools ought not to be enabled, by grants of public money, to make up a higher average. With regard to the appointment of Assistant Inspectors, they were intended to assist, not to supersede, the Inspectors in the examination of children in the elementary branches of knowledge. There was no reason to suppose that they would not be perfectly competent to perform this duty. They would be recommended by the Inspector himself, and were to act under his direction. The Inspector, therefore, would not be relieved from any part of his responsibility, but with their assistance he would be enabled to accomplish his work within reasonable time, and to devote that attention which was desirable to the general system and management of the schools.

LORD REDESDALE, in reply, said, the noble Duke had not met any one of the questions he had raised. He was afraid that the Minute would impair the efficiency of public education in almost every school to which it was applied, because it would take from the schools the stimulus which the new principle of examination was intended to afford, and it would also seriously impair the efficiency of the teaching by reducing the stipends paid to the teachers. The noble Duke had, in his opinion, not met the objections raised; and the truth was, that the whole scheme was simply an effort to save money. He trusted that a strong feeling would be raised throughout the country when the matter became properly understood.

THE EARL OF DONOUGHMORE said, that he thought his noble Friend the Chairman of Committees had had the best of the argument; and called attention to the fact that the grant made for education in Ireland was, in proportion to the population, double that of England.

EARL FORTESCUE said, he entirely concurred in what had fallen from the noble Duke (the Duke of Somerset), and must express his gratitude to the Government for having, on two successive occasions, made a stand against the formidable pres-

*The Duke of Somerset*

sure applied for an increase in the education grants. It was desirable that the working classes should provide as far as possible education as well as food for their children, and now, under the existing system, a much smaller percentage was taken from their means for the purposes of education than formerly. He thought we should be careful to do nothing which would diminish the feeling of self respect in that class. For his own part, he had always regarded these Parliamentary grants rather as a necessary temporary remedy than as a system which it was intended to render permanent. He hoped that the Government would not withdraw from the principles which they had laid down; but he thought it might be desirable, in order to avoid withdrawing all stimulus from the schools, that in making these deductions the endowments should be returned at something less than their full value.

#### PUBLIC WORKS (FACTORY DISTRICTS). OBSERVATIONS.

EARL FORTESCUE said, that as Parliament had determined to sanction the undertaking of large sanitary works in Lancashire, many of the districts of which were still very unhealthy, he thought it would be very desirable if the Government would send some competent and impartial persons to report upon the cost and results, pecuniary and sanitary, of the various works of drainage and water-supply which had now for several years been completed in between 100 and 200 other places in the kingdom.

LORD STANLEY OF ALDERLEY said, the Government would be happy to take the subject into consideration.

#### ALKALI WORKS REGULATION BILL [H.L.] (No. 258.)

Commons' Reasons for insisting on One of the Amendments made by them to the Bill to which the Lords have disagreed *considered* (according to Order): Then it was *moved*, not to insist on the Amendment to which the Commons have disagreed; on Question, Whether to insist? *Resolved in the Negative.*

House adjourned at twenty minutes  
after Six o'clock.

#### HOUSE OF COMMONS,

*Monday, July 27, 1863.*

MINUTES.]—PUBLIC BILL—*Third Reading*—*Exhibition* [Bill 361].

## NAVY—PORTSMOUTH DOCKYARD.

## QUESTION.

MR. CORRY said, he wished to ask the Secretary to the Admiralty, with reference to his Statement, to the effect, that if it had not been found at the eleventh hour that it was necessary to pass a private Act of Parliament to enable the Admiralty to commence the work, a sum would have been proposed in the Navy Estimates for the construction of a large basin at Portsmouth; whether the necessary measures for obtaining such an Act of Parliament will be adopted during the Recess; and whether provision will be made towards the construction of the basin in next year's Estimates; also whether, in that case, there would be any objection to referring the detailed plan to a Select Committee, as was done by the Admiralty in 1861, in respect of the proposed extension of Chatham Dockyard.

LORD CLARENCE PAGET, in reply, said it would be the duty of the Admiralty during the Recess to prepare a Private Bill with a view to enable them to construct a basin at Portsmouth; and he would introduce a sum into the Navy Estimates for the accomplishment of that undertaking. He might further state that it was his intention to move, on the re-assembling of Parliament, for a Select Committee to inquire into the question of the basin and docks at Portsmouth.

## RE-MARRIAGES OF DISSENTERS.

## QUESTION.

SIR MORTON PETO said, he would beg to ask Her Majesty's Government, Whether they had heard of the re-marriage of a Mr. and Mrs. Hulin by the Rev. Horatio Walmsley, Vicar of St. Briavels, Gloucestershire, after they had been previously married in a Dissenting Chapel, and on which re-marriage the Vicar entered the parties in his register book as bachelor and spinster, knowing of the previous marriage; and whether Her Majesty's Government will prosecute the Vicar for making such entries under the Statute 76 George IV., s. 29?

MR. BRUCE, in reply, said, he did not think that the conduct of the Vicar in question could properly be made the subject of a prosecution for penalties under the Statute. The first marriage was either a valid one or it was not. If it was a valid marriage, all that was done afterwards was simply super-

fluous and null, and could not be made the subject of a prosecution. If the marriage was invalid, then everything which subsequently happened was regularly done. No offence had been committed against the Law, though there might have been an offence against good taste and good feeling.

## THE NAUTICAL SCHOOL AT GREENWICH—QUESTION.

SIR MORTON PETO said, he wished to ask the Civil Lord of the Admiralty, Whether any decision has yet been come to by the Admiralty with respect to the Building for the Nautical School at Greenwich, and whether the objects aimed at cannot be gained without incurring so large an outlay for additional Buildings as contemplated?

MR. STANSFELD said, before answering the Question of his hon. Friend, he desired to take that opportunity of making a statement with reference to a letter of Admiral Codrington, which had not been included in the Malta papers recently laid on the table of the House. His noble Friend the Secretary to the Admiralty had been blamed for omitting to print that letter. What he wished to say was, that the blame of the omission, whatever it might be, ought to rest upon his shoulders, and not upon those of his noble Friend. He could assure the House that it was an entirely accidental omission, and the letter would be printed without further delay. He had to thank his hon. Friend the Member for Finsbury for giving him an opportunity of stating the conclusions at which the Board of Admiralty had arrived on a question which included some little difficulty, and which had been accompanied by some difference of opinion among the authorities of Greenwich Hospital. Most hon. Members would be aware of the nature of the buildings of the school at Greenwich Hospital; there was in the centre a square block occupied by the masters and pupil teachers. That block was flanked by open colonnades, from the ends of which the old east and west wings returned towards the main building of the Hospital. A few years ago it was thought that the amount of class-room accommodation in the old wings, and the amount of breathing space in the dormitories, were not enough for the requirements of modern medical science, and there was a proposal for an addition to the buildings. A new west

wing was erected, and the idea was entertained of following it up by a corresponding new east wing at the other side of the ground. The cost of erecting the new west wing, inclusive of fencing and laying out the grounds, had been £22,000, and the plan for the new east wing, including the raising of the roofs of the old wing, would have led to an expenditure of £30,000; and that, too, without accommodating one additional boy beyond the eight hundred who were in the institution at present. When the plans came to be examined, it was found, that even with this large additional outlay, there were certain architectural defects which would still remain. The configuration of the ground was such that the new east wing would not be absolutely parallel with the west wing, and would be of less lateral dimensions. The Board of Admiralty took into consideration the question of diverting a public roadway, with the view of making the proposed east wing correspond in dimensions and position with the new west wing; but an examination of the estimates showed that the extra cost involved in the diversion of this road, and in the purchase of buildings to be pulled down, would be £30,000. It thus appeared, that having already expended £20,000 upon improvements, the Board would have to lay out a farther sum of £60,000 for a complete scheme, without accommodating one more boy in the school. This was the state of the question when he had the honour of joining the Board; and he must say, especially with reference to the fact that they were then intending and hoping to burden the funds of Greenwich Hospital with an increased annual outlay for purposes strictly within the object of the original charters, that it appeared to him necessary and advisable to reconsider the whole question, with a view to ascertain whether they might not be able to accomplish all essential objects at a much less cost. The difficulty was this:—It was supposed necessary, in accordance with modern, and, no doubt, correct notions, that each boy should have six hundred cubic feet of breathing space. He did not conceive that there was anything cabalistic in the number 600, and that a few cubic feet more or less would not be of much matter. It appeared to him that the question of cubic feet for breathing space ought to be considered, not simply by itself, but in connection with some other elements; and that the ventilation of the rooms and the

position of the building ought also to be taken into account. The designs and estimates were therefore sent back to Greenwich Hospital for re-consideration, and the result had been a plan which they were prepared to carry out experimentally, and not wholly at once, and which he believed would accomplish all essential purposes, at a cost, not of £30,000, but of £3,000 or £4,000. They were of opinion that by taking away the ceilings of the old dormitories and providing an open passage for air between the roof and the ceiling they could procure an average breathing space of 570 cubic feet for each boy. There was also a large room, which now served as a chapel, and which they proposed to convert into a class-room; the boys being taken for Divine service to the Chapel of the Hospital. The expense of raising the ceiling of the east wing would in the first instance be £750. A register would be kept of the temperature of the wing where the alteration was made, and next year he would be able to report whether or not the experiment had been successful. If it failed, it would at any rate have cost less than £1,000; and if it answered the expectations entertained of it, it would be the means of a great saving to the funds of the Hospital.

#### ORDER OF ST. MICHAEL AND ST. GEORGE.—QUESTION.

LORD ERNEST BRUCE said, he wished to ask the Under-Secretary of State for the Colonies, Whether, in the event of the protection of Great Britain being withdrawn from the Ionian Isles, and the Septinsular Republic being joined to the kingdom of Greece, Her Majesty the Queen of Great Britain, as Sovereign of the Most Distinguished Order of St. Michael and St. George, instituted by Letters Patent dated the 27th April 1818, "for natives of the Ionian Isles or the Island of Malta, and for British subjects holding high and confidential employment in the service of the Crown," will continue to retain, as heretofore, the sole power of conferring that Order on such persons as Her Majesty may think proper?

MR. CHICHESTER FORTESCUE, in reply, said Her Majesty would certainly continue to retain, as heretofore, the sole power of conferring the Order of St. Michael and St. George on such persons as Her Majesty might deem proper, and that power would therefore not be transferred to the Kingdom of Greece with the

*Ionian Islands.* No doubt, when the Protectorate ceased, it would be necessary to consider what change in the statutes should be made in regard to this Order.

# PAROCHIAL ASSESSMENTS. QUESTION.

MR. PUGH said, he would beg to ask the President of the Poor Law Board, Whether it is the intention of the Government to introduce, in the next Session of Parliament, any Bill with the view of giving further instructions to the Parochial Assessment Committees, in their endeavours to arrive at uniformity and correctness of assessment?

MR. C. P. VILLIERS replied, that he was not in a position to state what course it would be necessary to adopt in order to procure greater correctness and uniformity in the mode of estimating property for the purpose of rating. He had called for Returns from the Board, and the hon. Member for Bedfordshire (Colonel Gilpin) had obtained an Order for Papers, which would give ample information on the subject. Before next Session he should be in a position to state what Amendments in the Act might be necessary.

# COLLECTORS OF TAXES IN CIREN- CESTER.—QUESTION.

MR. J. POWELL said, he wished to ask the Secretary to the Treasury, If it is true that all the Collectors of Taxes for the seven wards of the borough of Cirencester have been summarily dismissed from their offices, and their appointments given to the Clerk of one of the Local Commissioners; and whether there would be any objection to produce the Correspondence with the Board of Inland Revenue on the subject?

MR. PEEL, in reply, said the appointment of these Collectors was made by the District Commissioners, who acted on their own responsibility, and those gentlemen thought that the change would be for the convenience of the borough. The appointments have been confirmed by the Board of Inland Revenue. There was no correspondence on the subject.

# THE ROMAN CATHOLIC BURYING- GROUND AT SYDENHAM.

## QUESTION.

MR. NEWDEGATE said, he would beg to ask the Secretary of State for the

Home Department, Under what circumstances the opening of the Roman Catholic Burying Ground at Sydenham met with his approval and sanction? He put the question at the instance of the relatives of a person who had been very recently buried there, and also of the owner of some adjoining property: he therefore hoped the House would allow him to state the facts upon which it was founded. A Mr. Wells had been buried in this ground, and just recently a relative of Mr. Smee, the well-known accountant of the Bank of England, had also been buried there. On the 16th of this month Mr. Smee made the following statement to the Secretary of the Home Department—He said that he had attended the burial-ground of this relative, and found, that although he was informed that the burial-ground had been sanctioned by the Home Secretary, it had no boundary wall or place of public access. The burial ground belonged to the Oratory at Brompton, to which his relative had left £30,000. He also stated that he found that the Christian name of Mr. Wells was incorrectly inscribed on a tombstone, the effect of which was to destroy all clue to the deceased. In this particular case, of Mr. Smee's deceased relative, £30,000, all the property of the deceased, went to the superior of the monastery, Father Fafer.

MR. MONSELL: Order, order!

MR. SPEAKER said, he must remind the hon. Member that in asking a Question he was not at liberty to make a speech.

MR. NEWDEGATE said, to put himself in order, he would move the adjournment of the House; and he thought, that inasmuch as this was a matter concerning the relatives of a person deceased who was buried in this ground, and the owner of adjacent property, he was only doing his duty in bringing the matter before the House. On the 23rd of July Mr. Smee again applied to the Home Secretary, complaining that no notice had been taken of his former application. He (Mr. Newdegate) was informed by the owner of the adjoining property that he had two years ago suspected that this ground was used for the purposes of burial, but that neither the incumbent nor the collector of rates nor his neighbours were at all aware of the existence of this burial-ground until the last burial took place. It appeared that three burials had been performed, one of a person unknown; no entry in the register had been made of any of these burials. Father Knox, one of the priests



to the Oratory, had stated on inquiry being made that the order for the burial-ground was obtained by the influence of the Duke of Norfolk; but on searching the *London Gazette* no notice of any order from the Secretary of State could be found. A gentleman in the neighbourhood had informed him that the burial-ground was an open field in 1851. He inquired of the Roman Catholic Bishop when this ground was consecrated by him: the Bishop replied that he remembered consecrating the ground, but not the date. He (Mr. Newdegate) did not wish to express any opinion upon the facts he had brought before the House, but he must say that he thought the persons interested ought to have an answer to their inquiries.

MR. SPEAKER said, the hon. Member had concluded without making any Motion. He must inform the hon. Member that a subject requiring so much explanation would be more appropriate for a Motion than a Question.

MR. NEWDEGATE then moved the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

MR. H. A. BRUCE said, in October, 1856, an application was made to the Home Secretary in the usual way to authorize a burial-ground at Sydenham for the priests and lay brothers of the Oratory at Brompton. The Home Secretary directed the usual examination to be made by the Inspector of Burial-grounds, and upon his report the ground was authorized in the ordinary manner. Since that period three burials had taken place in the ground. In consequence of complaints made by the gentleman mentioned by the hon. Member to the Home Secretary that the ground was not properly enclosed, a further investigation was made, and in his report the Inspector said, that the ground being strictly private, no public approach was necessary. In respect to the second question there was an oak paling sufficient to exclude animals, and therefore it might be said to be properly enclosed for the purpose. He had no knowledge of the other matters referred to, but all he could say was that there was nothing unusual or out of order in the manner in which the ground had been appropriated.

MR. MONSELL said, he had interrupted the hon. Member because he had made imputations of the gravest possible character against Gentlemen to whom no notice had been given, and who were entitled to

*Mr. Newdegate*

respect at the hands of the House. He knew what the hon. Member's feelings on these points were, but he thought that he was not justified in the course he was pursuing. In the case of the late Mr. Turnbull, the hon. Gentleman, and he (Mr. Monsell) spoke advisedly, had hounded him to death. ["No, no!"] He had stated that he spoke advisedly; he had made special inquiries on this subject of the medical men who attended him, and he was fully justified in stating that it was owing to the anxiety and misery of mind in consequence of the unjust imputations thrown out against him that Mr. Turnbull was now in his grave. He thought that the hon. Gentleman, though he might war with the living, ought to spare the dead.

SIR GEORGE BOWYER said, he knew, from friends who had been with Mr. Turnbull in his last illness, that that Gentleman had died broken hearted through the unjust imputations cast upon his honour. Before making the accusations which he had brought forward that day, the hon. Member for North Warwickshire ought in fairness to have given notice to the persons concerned. The gentlemen of the Oratory, which by the bye was not a monastic institution, possessed so high a character, were so well known to many Members of that House, and so thoroughly respected, that the imputations which the hon. Member had cast upon them would have no effect whatever.

MR. NEWDEGATE said, he would withdraw his Motion.

Motion, by leave, *withdrawn*.

#### PROMOTION IN THE MILITIA. QUESTION.

MR. POLLARD URQUHART said, he wished to ask the Under Secretary of State for War, Whether the Regulations for promotion in the Militia recommended by the Royal Commission of 1859 are to be observed; and whether a gentleman who has held a Commission in a Militia regiment, after he has retired from it, and the vacancy caused by his retirement been filled up, can, under any circumstances, be reinstated in the regiment in a rank superior to that which he formerly held, when there are officers in the regiment competent by age, position, and efficiency for promotion to that rank?

THE MARQUESS OF DARTINGTON said, in reply, that Lords Lieutenant were di-

rected by a circular from the War Office to observe in the promotion of officers of Militia, as a general rule, the principle of seniority. As, however, the Militia was a local force, depending very much on the support of persons of influence in the county, the Lords Lieutenant were permitted, on a full statement of the reasons which might have induced them to depart from that rule, if such reasons appeared satisfactory to the Secretary of State, to give promotion on other grounds than that of strict seniority. As the latter part of the question evidently referred to some particular case, if the hon. Gentleman would state in what regiment the promotion had taken place which he alleged had given dissatisfaction, he would be happy to afford him all the explanation in his power on the subject.

#### CAPTURE OF HERAT.—QUESTION.

MR. HENRY SEYMOUR said, he wished to ask the Under Secretary of State for Foreign Affairs, If the Government have received intelligence that Herat has been taken by Dost Mahommed's forces, if the Persians are preparing to retake it, and if Dost Mahommed be still alive?

MR. LAYARD said, in reply, that there appeared to be a great deal of mystery hanging over the affairs of Herat. Some time ago the Government received a telegram stating that Herat had been taken, but since then no confirmation had been received of that statement. As to the Persians having re-taken Herat, he was not aware of any steps having been adopted by the Persian Government to send troops there for that purpose. With regard to whether Dost Mahommed was dead or alive, very contradictory intelligence had been received on that point.

#### PERSIA — TELEGRAPHIC COMMUNICATION.—QUESTION.

COLONEL SYKES said, he rose to ask the Under Secretary of State for Foreign Affairs the reason of the delay in signing the Convention with Persia for the establishment of Telegraphic Communication between Khanikin and Bushire.

MR. LAYARD, in reply, said, there had been no actual delay in signing the Convention, but there was yet an agreement to be come to with respect to the use of the wires. There was to be a double set of wires, and there were some questions pending which he hoped would be speedily settled. When the Convention had been signed, it would

be laid on the table. The hon. and gallant Member (Colonel Sykes) had given notice of a Motion for the production of the Correspondence relating to this subject, but he trusted that that Motion would be postponed for the present.

#### CLONMEL LUNATIC ASYLUM.

##### QUESTION.

MR. BLAKE said, he would beg to ask the Chief Secretary for Ireland, Whether it is intended, in filling up the vacancy of Assistant Resident Medical Manager of the Clonmel Auxiliary District Lunatic Asylum, to appoint a gentleman who has had some previous practical experience in the treatment of insanity?

SIR ROBERT PEEL said, in reply, that Dr. Edmonstone had been appointed to the vacancy by the Lord Lieutenant. Dr. Edmonstone was a physician of some practice in the town of Carrick-on-Suir, and in the country generally; and as he would be under the able superintendence of the experienced head of the parent Asylum, there could be no doubt he would be found fully competent for his duties.

#### ROAD BETWEEN BAYSWATER AND KENSINGTON.—QUESTION.

LORD ROBERT CECIL said, he rose to ask the First Commissioner of Works, If he has given attention to the prayer of a Petition from the Inhabitants of Bayswater and Kensington?

MR. COWPER replied, that when he first proposed that the House should vote the expenses of establishing a communication between Bayswater and Kensington Gore, he suggested a new road, which was to be so separated from the Park that it could be opened at night. That arrangement would have involved considerable expense, and ultimately a more economical plan was adopted, by which existing roads were used. The plan answered very well in several respects, but it had the disadvantage, that if the road were used at night, access would be given to the whole of Hyde Park. If the request of the Petitioners were adopted, and the gates were to be open after ten o'clock at night, he could not consent that they should be opened to rich persons and carriages, while the poor people on foot were excluded; and if they were open to all, consequences, in a police point of view, might arise which might be highly objectionable. There was every reason to suppose, that if the gates were thrown open during the dark

nights, the park would become a nest of evil-disposed and disorderly persons. It was quite impossible that the three-hundred acres could be properly watched, and to light them would be out of the question. Even at the present moment, while the gates were carefully closed between ten at night and five in the morning, there were scenes occurring which called for the constant vigilance of the police.

#### INDIAN PRIZE MONEY.—QUESTION.

MR. SEYMOUR FITZGERALD said, he wished to put a Question to the right hon. Gentleman opposite (the Chancellor of the Exchequer) in reference to the distribution of Indian Prize Money. The subject had been, a few days ago, brought under the notice of the Government by his hon. Friend the Member for Stamford (Sir Stafford Northcote), who then asked whether the Government considered that the Prize Money in question should be distributed exclusively amongst Sir George Whitlock's force, or whether it belonged to the Army of India generally. The noble Lord at the head of the Government, in reply to his hon. Friend, stated that the Papers relating to the Prize Money in question should be laid on the table of the House immediately, and that no decision would be come to by the Government until the House had had full opportunity of expressing an opinion on the subject. To the surprise, however, of the agents of Sir George Whitlock's Force, papers were forwarded to them conveying the intelligence that the decision of the Government had been come to in the matter, and the money was lying in the hands of the Treasury for distribution. As he was quite sure the noble Lord did not intend to depart from the assurance which he had given the House on the subject, he wished to ask, What course the Government intend to take in reference to this matter, and whether the House, notwithstanding what has been done by the Treasury, will have a full opportunity of considering the question, and expressing its opinion upon it before the final distribution of the Prize Money?

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that the Papers relating to the Prize Money referred to, which were just laid upon the table, would clearly show what had taken place. It was quite true that his noble Friend at the head of the Government had given

an assurance that the matter would remain without prejudice until the House had an opportunity of considering those Papers. He did not, however, think, as far as his recollection served, that his noble Friend had said that the decision of the Treasury should be kept in suspense, because so far as the judgment of the Treasury was concerned, that was known and avowed when the question was first brought before the House. The pledge given by his noble Friend was, that the Papers on the subject would be laid before the House of Commons before the decision of the Treasury was acted upon, so as to give that House the opportunity of intercepting the proposed distribution, if it thought proper to do so. It was quite true that the decision of the Treasury had been made known to the parties concerned by an official letter, but in addition to that communication another letter had been transmitted to the same parties, informing them of what had subsequently taken place in the House, and intimating that the arrangement referred to in the former letter should remain in abeyance until the final decision of the House was taken upon the matter.

#### ATTEMPTED ASSASSINATION OF MR. GORE JONES.—QUESTION.

MR. BLAKE said, he wished to put a Question to Mr. Attorney General for Ireland. It was stated in a paragraph which appeared in some of the Irish newspapers that Hayes, the man who has been put upon his trial at the Tipperary Assizes on the charge of having fired at Mr. Gore Jones, was induced to plead guilty by reason of being kept without food for a considerable time. In a Memorial presented to the Judge on behalf of Hayes, which was signed by fifteen respectable persons, it was stated that every inducement had been held out to Hayes to confess his guilt—that if he did so, he would be sent out of the country and provided for—that his family would be taken care of. In addition to those offers, the man was deprived of his usual quantity of food in order to induce him to plead guilty. Notwithstanding he had maintained his innocence for a considerable time, Hayes was at length induced by the pressure that was thus put upon him to withdraw his plea of not guilty, and to plead guilty to the charge. He (Mr. Blake) therefore wished to ask the right hon. and learned Gentleman whether there is any truth in those statements?

MR. O'HAGAN said, he must complain of so grave a Question being asked without any previous notice being given. All he knew of the case was this. Two men had been charged upon information and otherwise with having fired at Mr. Gore Jones. They were brought before the magistrates, and committed for trial. At the last Assizes one of them was tried, but in consequence of the jury being unable to come to any decision upon the matter he was discharged. As to the other prisoner, it was impossible for him (Mr. O'Hagan) to reply to the statement referred to by the hon. Member without further information on the matter. He did not think that such a grave question as that raised by the hon. Member should be brought before the House upon no other foundation than a paragraph in a newspaper. It would be his duty as well as inclination to investigate the matter.

MR. BLAKE said, he wished to know whether the right hon. and learned Gentleman would answer the Question if it were repeated to-morrow.

MR. O'HAGAN said, he would not undertake to do so.

#### EXHIBITION MEDALS BILL.—(Lords.)

##### [BILL 261.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. AYRTON said, that before they proceeded further with the measure before them, he wished to call the attention of the House to the manner in which it had been introduced, and also to the provisions of the Bill itself. The Bill was brought from the other House on the 23rd inst. At one o'clock in the morning of the 24th, it was read a first time, and at ten o'clock in the morning of that day it was placed for the first time in the hands of hon. Members. At the same time they received the usual record of the proceedings of the House, which informed them that it was to be an Order of the Day, and to be read a second time at twelve o'clock. The notice paper as to their proceedings contained no further intimation, and it could not, therefore, have been supposed that the Government intended to go further than read the Bill a second time; but at twelve o'clock they not only read the Bill a second time, but moved that it be committed, and then proceeded to consider it

in Committee, had the Bill reported and ordered to be read a third time that day, before its nature or provisions could be properly considered. Expedition might be necessary in regard to the Bill, but it was a question deserving consideration, whether the Government ought to be allowed to pass a Bill through more stages than those of which notice was given in the usual record. When such an unusual course as that he had described did take place, all those hon. Members who were absent were taken by surprise. He might be told by the noble Lord at the head of the Government as he had been before, that it was the duty of all Members to be in their place; but that proposition he denied as inaccurate in theory and impossible in practice. The duty imposed upon Members was to attend the service of the House whenever the House thought fit to make any order directing them to discharge a particular duty. But the House had established many usages and some Standing Orders for the protection of absent Members, and the object of all was to prevent anything being done by a few Members who were present without notice to those who were absent. If the House did not insist upon those rules being enforced, the greatest inconvenience and wrong would be the consequence. The course that had been pursued in the case of the Bill before them had been such as was calculated to mislead and surprise the House. He, upon looking at the Bill, found it to be open to grave objections, but receiving it only two hours before the House met, and knowing that those objections could not be fully considered upon the second reading, he had not attended, believing that at the next stage an opportunity for pointing out objections would be given. There had really been time to permit of the Committee upon the Bill being taken at an evening sitting, instead of hurrying the Bill through two stages at a morning sitting. It was astonishing how rapidly bad practices grew. A few years since such a Bill could not have been sent up from the other House, or, if it had been sent, it would have been cast aside as an invasion of the privileges of the House of Commons. In order to facilitate the progress of business, that House had, a few years since, decided that Bills of that kind might be received from the other House; but instead of regarding the concession in its true light, the House of Lords seemed disposed to

regard it as an abnegation of the rights of the House of Commons, and therefore sent up Bills at a time when it was impossible due consideration could be given to them—thus practically saying that the House of Commons were not to consider them, but to accept the fiat of the House of Lords, and pass them. It had not been the custom of the House of Commons to pass Bills of pains and penalties without consideration, and the Standing Orders contained provisions intended to guard against surprises. Now, however, it would seem to be argued that those rules should be waived, because they had allowed the other House to originate Bills of that kind. But the House had never intended that the provisions to which he referred should be disregarded; and if an opportunity for considering the Bill had been afforded, he believed he could have proved that it ought not to pass in its present shape. The Bill referred to the medals granted by the Commissioners of the Exhibitions of 1851 and 1862; but he would suggest that before the House was asked to pass a Bill of pains and penalties in connection with those medals, it was entitled to receive some information as to the granting of the medals, to have an authentic statement of the conditions upon which they were granted, and the manner in which they were used. But they had no authentic information upon the subject. They were told that the Commissioners were private parties, who were not amenable to that House, and they were therefore in the difficulty of being called upon to legislate without authentic information upon the subject. His opinions, therefore, were necessarily based upon information privately obtained. There was some misapprehension as to the nature of the medals granted by the Commissioners. It was supposed that they were similar to medals granted by the universities to successful competitors who had written essays of superior merit. But what would be thought if a rich undergraduate employed a poor but able author to write an essay for which the undergraduate was awarded a medal! Supposing, too, that a year or two afterwards a collection of prize essays was published, and the poor author among them discovered his essay, would he not be entitled to say that he had gained the medal? Such was in reality the character of the greater number of medals issued to exhibitors. These medals were granted by the Commissioners to any person who, by

dint of expenditure of money, could procure something of excellent quality to add to the show. But the Commissioners never asked who made the articles. [An hon. MEMBER: The medals are given to them as exhibitors.] It was true, the medals were given to the exhibitors of a good article. But what guarantee was there that articles of equal quality would be afterwards produced? The very article for which an exhibitor obtained a medal might have been made by the workmen of another tradesman. Unless it could be shown that the men who obtained the medals obtained them for the things they themselves produced in the fair course of business, and which they intended to produce again, he contended that the issue of these medals was as great a fraud as could possibly be conceived. A man obtaining a medal for an article of excellent quality and then manufacturing an inferior quality, under the cover of the medal, was guilty of a gross fraud. In France, he believed, a more just view was taken, and a medal was not only given to an exhibitor of an excellent article, but one also to the ingenious and skilful workman by whom it was made. In this country, such was the power of money, that all the talent and industry of the country, had been passed over in the granting of medals in favour of those who had money in their pockets, and the skilful artisan was unnoticed in the award of the medals. If the House was called upon to legislate immediately upon the subject, they ought to pass a law that would not permit an abuse to be made of the medals granted to exhibitors. The first offence against which they ought to provide was that of a man selling goods with the medal mark, but of an inferior description to those for which the medal had been granted, but the Bill contained no provision to suppress the abuse of medals by exhibitors who had obtained them. It was promoted by Great Exhibition medalists, and so no one could be surprised that their peculiar temptation to fraud was not dealt with. Now, the principle acted on by courts of equity was, that no one was entitled to apply there to prevent a fraud being committed by another person if he himself had committed a fraud in the matter in question. Equity laid it down that a man must come before it with clean hands, and that it would not interfere with the rival competition of dishonest persons. But the Bill allowed

unlimited latitude for dishonesty on the part of medallists, while it protected them from dishonesty on the part of others. Now, of course, it was wrong to utter falsehoods, but Parliament had thought it right never to attempt to legislate for the suppression of falsehood unless it was uttered for the purposes of fraud. The first clause of the Bill, however, made even a false assertion penal, whether made with a view to fraud or otherwise. It provided, that "if any trader falsely represents that he has obtained a medal or certificate from the Exhibition Commissioners, in respect of any article or process for which a medal or certificate has been awarded by the Commissioners," he was liable on conviction to a penalty of £5 for the first offence, and for the second to a penalty of £20, or — not in default of payment, but as an alternative sentence to be inflicted at the option of the magistrate — to imprisonment for any period not exceeding six months. He wished to call the attention of the House to the words of that clause, which made the offence punishable only if committed by "any trader." He should have supposed, that if falsehood was to be punished at all, it should be punished equally if committed by a trader or a non-trader. But that was not the effect of the Bill; and the result was, that if any trader after dinner, when an Englishman was sometimes disposed to do a little vain boasting, said twice, though without any intention to defraud, that he had obtained a medal or certificate, he was liable to six months' imprisonment. Now, if lying upon that subject was to be a crime, why not extend the punishment to every person who lied? The same punishment was to be inflicted upon any trader who falsely represented (knowing such representation to be false) that any other trader had obtained a medal or certificate from the Exhibition Commissioners. Here, again, a trader might represent, without risk of punishment, that any other person, not being a trader, had got a medal or certificate. A limited company also might boast of having obtained medals with impunity, because the shareholders would not be individual traders. By the third clause, if any trader falsely represented that any article sold or exposed for sale had been made by a person who had obtained a medal or certificate from the Exhibition Commissioners, he should be subject to penalties. That

clause was open to this observation, that it did not connect the real maker with the issue of the medal, but allowed a man who had advanced the cash to use the medal, while the real maker could not use it. Another question which occurred to him was, what was to constitute a trader under the Bill? Must the offender be a trader within the Bankruptcy Laws? No definition was supplied on that point, and altogether the Bill in its details was of a most extravagant and mischievous character. Another proposal was that "in proceedings under this Act it shall not be necessary to prove that any person has sustained damage by the false representations of the defendant," so that punishment would be awarded for a naked falsehood, and it would not be necessary to show that any damage had been sustained by individuals. Why, they might as well punish a man for saying that he had got a medal or a degree at a University. He should have been better satisfied if the Exhibition Commissioners had shown greater regard for the industry, skill, and talent of the artisan class of this country, instead of giving all the rewards and honours to moneyed men who merely showed the goods. The result of the discussions on the Trades Marks Bill had been that they had arrived at a very compendious code of laws to prevent traders from making misrepresentations in connection with the buying and selling of goods. In order that there should be no unfair interference with trade, Parliament had determined that the Trades Marks Bill should not come into operation till the 31st of December 1863; yet, while that Act was in abeyance, it was sought to cut in with the Exhibition Medals Bill, which was to take effect immediately. If there was a difficulty with respect to these matters now, it arose from the caution and prudence of Parliament in not having put the Trades Marks Act in force when it passed. The language of the legislation in that Act, which was considered word by word, was totally different from that of the Bill before them. Under the Trades Marks Act no trader was to be punished unless his offence had been committed for the purpose of fraud. Either the thing was to be false and fraudulent, or there was to be a specific misrepresentation in buying or selling a commodity. With that Act in abeyance, he submitted it was premature and precipitate to pass any other Act on the subject of mercantile marks. Another evil in the Bill was that there was no time stated within

which the information should be made. A man might come in and make the charge after ten years had elapsed from the time of the offence. The Trades Marks Act required that the charge should be made within a short period. The language of the Bill was loose, irregular, and untechnical, and contrary to all the spirit of their legislation; and as he did not think that it should be proceeded with, he begged to move that it be read a second time that day week.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day week."—(*Mr. Ayrton.*)

MR. MILNER GIBSON said, he was not competent to decide on the nice legal distinctions which had been drawn by the hon. Member for the Tower Hamlets as to the precise meaning of the words in the Bill; but he understood the principle and the object of the measure; and as it had come down from the other House, he presumed that the noble and learned Lords who had considered, and who were far more competent to judge of the legal effect of its meaning than himself, were satisfied with the language used in the various clauses. He was therefore prepared to facilitate as far as he could the passage of the Bill through the House of Commons. The object of the Bill was to prevent persons who had not obtained medals at the late Exhibition, and who, perhaps, had not even exhibited their goods there, falsely representing to the world that they had obtained medals and had exhibited, and thus obtaining for themselves an advantage which they would not otherwise possess, to the disadvantage of those who had obtained medals and had been at the expense of exhibiting. In point of fact, it was proposed to enact that after the passing of the Bill persons should be required, instead of telling a falsehood to tell the truth. The second provision for penalties in the case of false representations was in these words:—"falsely represents (knowing such representation to be false) that any other trader has obtained a medal or certificate from the Exhibition Commissioners." His hon. and learned Friend had overlooked the words "knowing such representation to be false." [*MR. AYRTON: No, I did not.*] He could not see how any inconvenience was to arise from such a provision, while it was a great injustice that persons who had been at the expense of sending goods to the Exhibition, and had

medals awarded to them by the juries, should be deprived of their just claims to public confidence in those goods by others making fraudulent misrepresentations. The Trades Marks Act had nothing to do with the matter. An Exhibition medal was not a trade mark. An attempt was made in the Court of Chancery to obtain an injunction to put a stop to that mode of fraud, but it failed, because an Exhibition medal was held not to be a trade mark. In principle, of course, there was as much dishonesty in the wrongful assumption of the one as of the other, and it was only fair that protection should be given to the holders of medals. As to the passing of the Bill through two stages in one day, that was by no means uncommon at the end of the Session. It would, no doubt, be objectionable if such a course were constantly pursued, but there were exceptions to every rule. Had he known that the House was going to sit on Saturday, he would have fixed the Committee for that day; but as that was uncertain, and as he was afraid, if he did not get the Bill through two stages at once, it would be lost, he asked the permission of the House to allow him that indulgence, which was granted. That was a course for which there were numerous precedents, and it was not at all necessary to give notice of it; nor was it necessary to suspend the Standing Orders, for there were none. He hoped the House would not be deterred by mere technical difficulties from providing a remedy for a serious wrong which was daily being committed, and authorizing the summary procedure which he believed would most effectually accomplish that object.

LORD ROBERT CECIL said, the House had been placed, with regard to this Bill, in a position which was without parallel in his experience, or in that, he believed, of the oldest Member. A Bill had been brought in at the end of the Session, introducing an absolutely new principle into our criminal law, and backing it up by a penalty of remarkable severity. It was proposed for the first time to punish a man with six months' imprisonment for words uttered, without any fraudulent intent, in joke, or in inadvertence, after dinner, in a railway carriage, or in any casual way. That was a matter which certainly deserved the serious consideration of the House; but the Minister in charge of it introduced it without saying much about it, and then gave notice of the second reading, intending to take another stage at the same time,

*Mr. Ayrton*

but without having the courtesy to inform hon. Members of his intention. [Mr. MILNER GIBSON: No.] And then, more extraordinary still, when objections were raised on the third reading, the Minister coolly said he was not competent to deal with them.

Mr. MILNER GIBSON explained, that what he said was, that he would discuss the principle of the expediency of the measure, but that he did not think himself capable of judging the legal effect of the working of the clauses, which had been considered by persons who were competent to judge.

LORD ROBERT CECIL said, he wanted to know why none of these competent persons were present to answer objections. The legal effect of the clauses was just the matter in question. He did not blame the right hon. Gentleman, who was no lawyer, but there should have been some lawyer present to defend the Bill. Here they had a Bill totally new in principle, hurried through two stages without notice at the end of the Session, when the Government was unusually strong; and then, when objections were made on the third reading, the responsible Minister said he was incompetent to undertake its defence. Altogether it was a most extraordinary course of proceeding, and it was remarkable that something of stratagem and trick clung to the skirts of everything connected with the Great Exhibition. The present occurrence was a repetition, only in a thinner House, of the same tactics which the Government lately adopted on a more important question. He felt bound to protest against dealing with the criminal law in such a spirit. No doubt the Government might stand upon the strict right; but if they did, it might be possible to pass through a Bill of attainder and order the cutting-off of the Prime Minister's head without notice. He believed that was the first instance that could be adduced of a Minister acting in this way; and if the Government availed themselves of the strict forms of the House, the minority would be justified in turning the same weapon, as far as they could, against them.

THE LORD MAYOR (Mr. Alderman ROSE) said, there was a general feeling that the Exhibition of 1851 and 1862 had tended to encourage industry and inventions; and the possession of a medal undoubtedly increased the reputation of a manufacturer. It was surely only just and reasonable that, under these circumstances, the holder of a

medal should be protected in the enjoyment of his rights, and that any one who fraudulently invaded them should be punished. A monstrous system of fraud prevailed in regard to these medals, which ought to be checked without delay.

Mr. BUTT expressed his concurrence in the objections urged against the Bill by the hon. and learned Member for the Tower Hamlets. It was proposed, for the first time, to punish a false statement simply because it was false, without the slightest reference to the object for which it was made. The Bill therefore would introduce a new principle into the criminal law of the country, and they ought to beware how they assented to the establishment of a dangerous precedent. He did not think, however, that his right hon. Friend was to blame in the matter, as the object he sought to effect was undoubtedly good.

COLONEL FRENCH said, he wished to ask how it was, that if the Bill were so necessary, no effort had been made to introduce it earlier in the Session. The Bill would not come into operation till the end of the year; and as Parliament would meet again in February, no great harm could arise from delay.

Mr. J. J. POWELL said, he had no doubt, that if the Bill were subjected to the opinion of lawyers, faults might be discovered in it; but the object of the Bill was simply to prevent those persons who had not received Exhibition medals from pretending that they had received them, and he did not think that they need be very apprehensive about a new principle being introduced in such a Bill. As the law stood, if a person made a false representation with intent to defraud, he was guilty of a misdemeanour. The Bill did not go that length; it simply made a false representation punishable by summary conviction before a magistrate. Some ludicrous cases had been supposed by previous speakers, but magistrates were men of common sense, and would interpret the Act in a reasonable way. He could not help expressing his surprise that the noble Lord should have thought it necessary to seize that opportunity for making such an attack upon the Government.

SIR GEORGE BOWYER said, the Bill was loosely drawn, but something must be done immediately, and he was inclined to vote for the third reading, provided he had an assurance from the Government that they would introduce an Amendment Bill next Session.



MR. MILNER GIBSON was understood to assent.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 62; Noes 15: Majority 47.

Main Question put, and agreed to.

Bill read 3<sup>d</sup>.

LORD ROBERT CECIL said, he had risen to ask the hon. and learned Solicitor General, whom he had recently seen in the House, as a competent judge, to tell them what the Bill really meant before they gave their final assent to it; but as the hon. and learned Gentleman had, with extreme judgment, withdrawn, he could only give notice that he would next Session move the adoption of a Standing Order to prevent the surreptitious passing of a Bill through two stages in one day, which had been practised in that instance.

MR. SPEAKER said, he must point out to the noble Lord that the Bill had passed the Second Reading without any opposition. There was no opposition to the Bill at all. It was then put to the House whether or not, under those circumstances, there was any objection to its passing through the next stage. The course pursued, he must say, was by no means unusual, and therefore it could not properly be called irregular.

LORD ROBERT CECIL said, he would, by leave, be permitted to observe, as what the right hon. Gentleman had just said might seem to cast censure upon him, that the Bill was circulated only two hours before it was proceeded with.

Bill passed.

#### TELEGRAPHS BILL—[BILL 278.]

Lords' Amendments to Commons' Amendments to Lords' Amendments considered:—First Amendment disagreed to:—Subsequent Amendments agreed to:—Committee appointed, "to draw up Reasons to be assigned to the Lords for disagreeing to the Amendment to which this House hath disagreed:"—MR. MILNER GIBSON, MR. HUTT, MR. BRUCE, SIR WILLIAM DUNBAR, and MR. BRAND:—To withdraw immediately; Three to be the quorum.

#### BENCHERS' JURISDICTION AND AUTHORITY BILL—[BILL 10.]

##### SECOND READING.

Order for Second Reading read.

SIR GEORGE BOWYER said, he rose to move that the Order for the Second Reading of the Bill be discharged. He had introduced the measure early in the Session, and on several occasions represen-

*Sir George Bowyer*

tation had been made to him by the Benchers of the different Inns of Court that the subject would be taken into consideration by them, and that they wished to have full time given them for that purpose before the Bill was further proceeded with. He had acceded to those suggestions, and the result of the various postponements had been that the measure could not be carried further during the Session. Before the Bill was, however, allowed to drop, he wished to remark that public opinion was quite decided that something ought to be done in the matter. The jurisdiction exercised by the Benchers, especially in cases in which they disbarred members of the Bar, or censured them, and also in cases in which they refused to call persons to the Bar, or refused to admit them as students, was not in a form that was satisfactory to the public. It was perfectly idle to say that the tribunal of the Benchers of an Inn of Court was merely a sort of domestic forum. Take the case of their disbarring a man. The man whom they disbarred was deprived of his livelihood, and to a great extent was a ruined man. Again, a censure pronounced by them was a grave matter, and might inflict irreparable injury on a member of the Bar. Then in the case of their refusing to call a student to the Bar, their refusal rendered useless all the expense and trouble devoted to his education, and cast him upon the world to seek a new avocation with a grave slur upon his character. The Benchers, therefore, exercised a jurisdiction which was virtually of a criminal nature, although the penalties they inflicted might be different from those inflicted by a criminal court. A defendant, under the present jurisdiction of the Benchers, had no means of compelling the attendance of witnesses or the production of documents, however essential they might be to his defence. He alluded to the case of the late Mr. Daniel Whittle Harvey, in which the Benchers decided that he was disqualified to become a member of the Bar—a decision which involved his character and prospects for life; but a Select Committee of that House, having investigated the matter, came to an opposite decision, because they had access to a witness who did not appear before the Benchers, and whose evidence entirely vindicated the character of Mr. Harvey. That showed the imperfection of the jurisdiction of the Benchers. Another case had occurred more recently, in which a witness, having got possession of a document, refused to give

it up, and a squabble took place, which was only terminated by the intervention of the police. A properly-constituted court would have committed the party for contempt. The hon. Baronet was proceeding to point out other anomalies in the jurisdiction of the Benchers; when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at  
Six o'clock.

## HOUSE OF LORDS,

*Tuesday, July 28, 1863.*

### MINUTES.]—PUBLIC BILLS—*Royal Assent*—

Consolidated Fund (Appropriation) [26 & 27 Vict., c. 99];  
Fortifications (Provision for Expenses) [26 & 27 Vict., c. 80];  
Prison Ministers [26 & 27 Vict., c. 79];  
English Church Services in Wales [26 & 27 Vict., c. 82];  
India Stock [26 & 27 Vict., c. 73];  
Sydney Branch Mint [26 & 27 Vict., c. 74];  
Colonial Letters Patent [26 & 27 Vict., c. 76];  
Jurisdiction of Justices [26 & 27 Vict., c. 77];  
Oaths Relief in Criminal Proceedings (Scotland) [26 & 27 Vict., c. 85];  
Removal of Irish Poor [26 & 27 Vict., c. 89];  
Marriages Registration (Ireland) [26 & 27 Vict., c. 90];  
Public Works and Fisheries Acts Amendment [26 & 27 Vict., c. 81];  
Vaccination (Scotland) [26 & 27 Vict., c. 108];  
Sheep and Cattle (Scotland) [26 & 27 Vict., c. 100];  
Stipendiary Magistrates [26 & 27 Vict., c. 97];  
Misappropriation by Servants [26 & 27 Vict., c. 103];  
Colonial Acts Confirmation [26 & 27 Vict., c. 84];  
Savings Banks Acts Amendment [26 & 27 Vict., c. 87];  
Naval Medical Supplemental Fund Society Wind-up Act (1861) Amendment [26 & 27 Vict., c. 111];  
Union Relief Aid Acts Continuance [26 & 27 Vict., c. 91];  
Turnpike Acts Continuance, &c. [26 & 27 Vict., c. 94];  
Augmentation of Benefices [26 & 27 Vict., c. 120];  
Clergymen (Colonies) [26 & 27 Vict., c. 121];  
Statute Law Revision [26 & 27 Vict., c. 125];  
Alterations in Judges' Circuits [26 & 27 Vict., c. 122];  
Indemnity [26 & 27 Vict., c. 107];  
Land Tax Commissioners' Names [26 & 27 Vict., c. 101];  
Promissory Notes and Bills of Exchange [26 & 27 Vict., c. 105];  
Poisoned Grain, &c. Prohibition [26 & 27 Vict., c. 113];  
Removal of Prisoners (Scotland) [26 & 27 Vict., c. 109];

Expiring Laws Continuance [26 & 27 Vict., c. 95];  
Rum Duty [26 & 27 Vict., c. 102];  
Petty Sessions (Ireland) [26 & 27 Vict., c. 96];  
Nuisances Removal Act (1855) Amendment [26 & 27 Vict., c. 117];  
Navy Prize Agents [26 & 27 Vict., c. 116];  
Trustees (Scotland) Act Amendment [26 & 27 Vict., c. 115];  
Waterworks Clauses [26 & 27 Vict., c. 93];  
Pauper Lunatic Asylums [26 & 27 Vict., c. 110];  
Turnpike Trusts Arrangements [26 & 27 Vict., c. 98];  
Fisheries (Ireland) [26 & 27 Vict., c. 114];  
District Parochial Churches (Ireland) [26 & 27 Vict., c. 123];  
British Columbia Boundaries [26 & 27 Vict., c. 83];  
Drainage and Improvement of Lands (Ireland) [26 & 27 Vict., c. 88];  
Alkali Works Regulation [26 & 27 Vict., c. 124];  
Exhibition Medals [26 & 27 Vict., c. 119];  
Telegraphs [26 & 27 Vict., c. 112];  
Charitable Uses [26 & 27 Vict., c. 106];  
Companies Clauses [26 & 27 Vict., c. 118];  
Railways Clauses [26 & 27 Vict., c. 92];  
Harwich Harbour [26 & 27 Vict., c. 71];  
Howth Harbour [26 & 27 Vict., c. 72];  
Thames Embankment (South Side) [26 & 27 Vict., c. 75];  
Metropolis Turnpike Roads Acts Amendment [26 & 27 Vict., c. 78];  
Port Erin Harbour (Isle of Man) [26 & 27 Vict., c. 86];  
Pier and Harbour Orders Confirmation [26 & 27 Vict., c. 104].

### PROROGATION OF THE PARLIAMENT. SPEECH OF THE LORDS COMMISSIONERS.

The PARLIAMENT was this day prorogued by Commission.

The LORDS COMMISSIONERS—namely, The LORD CHANCELLOR (Lord Westbury); The LORD STEWARD OF THE HOUSEHOLD (The Earl of St. Germans); The DUKE OF NEWCASTLE (One of the Principal Secretaries of State); The LORD STANLEY OF ALDERLEY (The Postmaster General); and The LORD WENSLEYDALE—being in their robes, and seated on a Form placed between the Throne and the Woolsack; and the COMMONS being come with their Speaker, the ROYAL ASSENT was given to several Bills.

Then THE LORD CHANCELLOR delivered the SPEECH of the LORDS COMMISSIONERS as follows:—

*“My Lords, and Gentlemen,*

*“We are commanded by Her Majesty to release you from further Attendance in Parliament, and at the*

same Time to convey to you Her Majesty's Acknowledgments for the Zeal and Assiduity with which you have applied yourselves to the Performance of your Duties during the Session now brought to a Close.

"HER Majesty has seen with deep Regret the present Condition of *Poland*. Her Majesty has been engaged, in concert with the Emperor of the *French* and the Emperor of *Austria*, in Negotiations, the Object of which has been to obtain the Fulfilment of the Stipulations of the Treaty of *Vienna* of 1815, on behalf of the *Poles*. Her Majesty trusts that those Stipulations will be carried into execution, and that thus a Conflict distressing to Humanity and dangerous to the Tranquillity of *Europe* may be brought to a Close.

"THE Civil War between the Northern and Southern States of the *North American Union* still, unfortunately, continues, and is necessarily attended with much Evil, not only to the contending Parties, but also to Nations which have taken no Part in the Contest. Her Majesty, however, has seen no Reason to depart from that strict Neutrality which Her Majesty has observed from the Beginning of the Contest.

"THE *Greek Nation* having chosen Prince *William of Denmark* for their King, Her Majesty is taking Steps with a view to the Union of the *Ionian Islands* with the Kingdom of *Greece*. For this Purpose Her Majesty is in communication with the Powers who were Parties to the Treaty of 1815, by which those Islands were placed under the Protection of the *British Crown*; and the Wishes of the

*Ionians* on the Subject of such Union will be duly ascertained. .

"SEVERAL barbarous Outrages committed in *Japan* upon *British Subjects* have rendered it necessary for Her Majesty to demand Reparation; and Her Majesty hopes that Her Demands will be conceded by the *Japanese Government* without its being necessary to resort to coercive Measures to enforce them.

"THE Emperor of *Brazil* has thought fit to break off his Diplomatic Relations with Her Majesty in consequence of Her Majesty not having complied with Demands which She did not deem it possible to accede to. Her Majesty has no Wish that this Estrangement should continue, and would be glad to see Her Relations with *Brazil* re-established.

"Gentlemen of the House of Commons,

"HER Majesty commands us to convey to you Her warm Acknowledgments for the liberal Supplies which you have granted for the Service of the present Year, and towards the permanent Defence of Her Majesty's Dockyards and Arsenals; and Her Majesty commands us to thank you for the Provision you have made for the Establishment of His Royal Highness The Prince of *Wales*.

"My Lords and Gentlemen,

"THE Distress which the Civil War in *North America* has inflicted upon a Portion of Her Majesty's Subjects in the Manufacturing Districts, and towards the Relief of which such generous and munificent Contributions have been made, has in some

Degree diminished, and Her Majesty has given Her cordial Assent to Measures calculated to have a beneficial Influence upon that unfortunate State of Things.

"SYMPTOMS of a Renewal of Disturbances have manifested themselves in Her Majesty's Colony of *New Zealand*, but Her Majesty trusts that by wise and conciliatory Measures, supported by adequate Means of Repression, Order and Tranquillity will be maintained in that valuable and improving Colony.

"HER Majesty has given Her Assent to a Measure for augmenting the Income of a considerable Number of small Benefices, and She trusts that this Measure will be conducive to the Interests of the Established Church.

"HER Majesty has given Her Assent to an Act for the Revision of a large Portion of the Statute Book, by the Removal of many Acts, which, although they had become obsolete or unnecessary, obstructed the Condensation of the Statute Law.

"HER Majesty has felt much Pleasure in giving Her Assent to an Act for placing upon a well-defined Footing that Volunteer Force which has added a most important Element to the defensive Means of the Country.

"HER Majesty has gladly given Her Assent to an Act for carrying into effect the Additional Treaty concluded by Her Majesty with The President of the *United States* for the more effectual Suppression of the Slave Trade; and Her Majesty trusts that the honourable Co-operation of the Government of the *United States* will materially assist Her Majesty in those Endeavours

which *Great Britain* has long been engaged in making to put an end to the Perpetration of that most disgraceful Crime. Her Majesty has assented with Satisfaction to many other Measures of public Usefulness, the Result of your Labours during the present Session.

"It has been gratifying to Her Majesty to observe that, notwithstanding many adverse Circumstances, the general Prosperity of Her Empire continues unimpaired. Though great local Distress has been suffered in *Great Britain* from the Effects of the Civil War in *America*, and in *Ireland* from the Results of Three unfavourable Seasons, the financial Resources of the United Kingdom have been fully maintained, and its general Commerce with the World at large has not been materially impaired.

"It has been a Source of great Satisfaction to Her Majesty to find that Her *East Indian* Possessions, rapidly recovering from the Disasters which lately overspread them, are entering upon a Course of Improvement, social, financial, and commercial, which holds out good Promise for the growing Prosperity of those extensive Regions.

"On returning to your several Counties you will still have important Duties to perform; and Her Majesty fervently prays that the Blessing of Almighty God may attend your Efforts to promote the Welfare and Happiness of Her Subjects, the Object of Her constant and earnest Solitude."

Then a Commission for proroguing the Parliament was read.

After which

THE LORD CHANCELLOR said ;

*My Lords and Gentlemen,*

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to *Wednesday the Fourteenth Day of October* next, to be then here holden ; and this Parliament is accordingly prorogued to *Wednesday the Fourteenth Day of October* next.

## HOUSE OF COMMONS,

*Tuesday, July 28, 1863.*

MINUTES.]—NEW WRIT ISSUED—*For Pontefract, v. Richard Monckton Milnes, esquire, Steward of Northstead.*

### STATUES AND PAINTINGS IN THE METROPOLIS.—QUESTION.

MR. W. EWART said, he wished to ask the First Commissioner of Public Works, Whether the iron rails which surround the statue of Achilles in Hyde Park, and those which surround other statues, will be removed, as has been done successfully with respect to the statue of Charles I. at Charing Cross, and that of George III ; also, whether, on the water-colour drawings of Turner and other artists exhibited at South Kensington, labels will be fixed, giving the public information as to the subjects and the painters of such water-colour drawings ?

MR. COWPER replied that the railings had been removed from the statues at Charing Cross, in Cockspur Street, and in Whitehall Gardens, without any public inconvenience ; they were not required for the protection of the statues ; and it was his intention, as far as his authority extended, to remove any railings which obstructed the view either of public statues or their pedestals. In reply to the second question of his hon. Friend, he had to state that it was the practice of the Department of Science and Art to affix to the pictures in their collections descriptions of the subjects and the names of the artists. He took it for granted that his hon. Friend was referring to the water-colour drawings or sketches of Turner which belonged to the National Gallery, and were

at present temporarily exhibited at the South Kensington Museum. He felt sure, that wherever they might be permanently arranged or hung, the necessary explanations would be attached to them.

### MUNICIPAL PRECEDENCE.

#### QUESTION.

MR. BROWN-WESTHEAD said, he would beg to ask the Secretary of State for the Home Department, Whether he has received a communication from the Lord Mayor of York on the question which has arisen between the Lord Provost of Edinburgh and the Lord Mayor of Dublin, and claiming, on the part of the dignity of the office of Lord Mayor of York, precedence next to that of the Lord Mayor of London ; and whether he will direct that the claim of precedence of the Lord Mayor of York over both the Lord Provost of Edinburgh and the Lord Mayor of Dublin be settled by the proper authority ?

SIR GEORGE GREY, in reply, said, he had received a letter from the Lord Mayor of York upon the subject, and had directed that an answer should be given to the effect that the question of precedence between the Provost of Edinburgh and the Lord Mayor of Dublin had been raised on the occasion of the presentation of an Address to Her Majesty ; and that as no Mayor in England except the Lord Mayor of the City of London had a right to present in person such an Address, the question as between the Lord Mayor of York and the Provost of Edinburgh or the Lord Mayor of Dublin could not arise.

### CASE OF CAPTAIN MELVILLE WHITE.

#### QUESTION.

SIR GEORGE BOWYER said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether the Senate of Hamburg have yet accepted the friendly office of Arbitrator between Her Majesty's Government and the Government of Peru in the case of Captain Melville White ; whether any agreement has yet been signed by Her Majesty's and the Peruvian Governments fully establishing the bases upon which that case was to be arbitrated ; and how much longer it is likely to be before the claims of Captain Melville White against the Peruvian Government will be definitively settled ?

MR. LAYARD said, in reply, that as yet no application for arbitration had been made in the case of Captain Melville White, because Her Majesty's Government

had not quite agreed with the Peruvian Representative with respect to the terms of such arbitration. But they were in communication with the Peruvian Representative upon the subject, and he trusted that in a very short time the preliminaries of an arbitration would be settled, and the matter would be referred to the Senate of Hamburg.

#### GREECE AND THE IONIAN ISLANDS. QUESTIONS.

MR. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, What will be the nature of the guarantee to be entered into to prevent the future acquisition of the Ionian Islands by any other Power than Greece, and which of the European Powers will be the parties by whom that guarantee will be executed?

VISCOUNT PALMERSTON: Sir, the Representatives of England, France, and Russia, resident in Athens, have made a Protest against the state of affairs at present existing in that city and its neighbourhood, and that Protest will be laid upon the table of the House with the other Papers relating to the recent condition of Greece. I should state, with regard to the disturbances in that country, that there are agents at work for the purpose of preventing the establishment of Prince William of Denmark as King of Greece, and who are therefore desirous of throwing every possible difficulty and embarrassment, both in Greece and elsewhere, in the way of the accomplishment of such an event; but those efforts, I can assure the hon. Gentleman, will be entirely fruitless, and the new King will go to Greece, and will, I trust, establish tranquillity in that country.

MR. DARBY GRIFFITH said, he believed the noble Lord had mistaken his Question, and had answered instead a Question which the hon. Member for Taunton (Mr. C. Bentinck) had placed on the Notice Paper.

VISCOUNT PALMERSTON said, the treaty by which the territorial limitations of Greece were fixed received the sanction of the different Powers, and no change, therefore, could be made in it without their consent. The treaty by which the Ionian Islands would be ceded to Greece would obtain the sanction of the same Powers; and the transfer of those Islands to any other State could not, he presumed, take place without their concurrence.

#### COMPULSORY LABOUR IN EGYPT QUESTION.

MR. DARBY GRIFFITH said, he would now beg to ask the noble Lord, Whether there is any truth whatever in the assertion made by M. Lesseps, in his Report to the Shareholders of the Suez Canal, in which, for the purpose of palliating or defending the employment of forced labour on that work, he undertakes to say, "The Company of the English Steamers, in their establishment at Suez, is provided by the Egyptian Government with the porters and labourers necessary for the embarkation and debarkation of their cargoes by means of forced labour (*travail obligatoire*)"?

VISCOUNT PALMERSTON said, in reply, that he could not be answerable for any assertion of M. Lesseps. He could not say whether or not it was a fact that the Peninsular and Oriental Company employed any forced labour for the purpose stated by the hon. Gentleman. It was, however, certain, that whenever the order of the Sultan for stopping forced labour in Egypt came into operation, it would apply equally to persons employed by the Peninsular and Oriental Company as to those employed by other parties in Egypt.

#### AFFAIRS OF POLAND.—QUESTION.

MR. HENNESSY said, that two suggestions had been made to the Government in reference to the Polish question. One was by a noble Earl in another place that they should withdraw their Ambassador from St. Petersburg, and the other was the suggestion by another noble Earl that they should withdraw the sanction which England had given to the Russian dominion in Poland. He therefore wished to know, Whether Her Majesty's Government are considering the propriety of adopting the latter course?

VISCOUNT PALMERSTON: I have no doubt, Sir, that such a proposal has been made, and has been duly considered. Still it has always appeared to me, that to tell Russia that the stipulations of the Treaty of Vienna with regard to Poland are no longer of any value, would be to tell her that she might do whatever she pleased with respect to Poland, and that no other Power would have any more right to remonstrate with her on account of her treatment of that country, than any one Power would have any right to make representations to another in regard to its treatment of its own unqualified subjects.

It seems to me, therefore, that it would be injurious to the interests of Poland to adopt the suggestion of the hon. Member.

ADMINISTRATION OF JUSTICE (IRELAND)—ATTEMPTED ASSASSINATION OF MR. GORE JONES—QUESTIONS.

MR. BLAKE said, he wished to ask Mr. Attorney General for Ireland, Whether he can state if there is any truth in a report which has appeared in some of the Irish Papers, to the effect, "that, at the Nenagh assizes, Philip Hayes, charged with firing at Gore Jones, esquire, Resident Magistrate, stated that he had, although innocent of the offence, declared himself guilty, in consequence of being kept without sufficient food, and being then brought into the Governor of the Prison's room, and offered bread and meat, and to be sent out of the Country with his family and provided for, if he would sign a submission as to his guilt, which he was tempted to do in consequence of suffering from hunger, and desiring to avail himself of the reward held out to him;" and to inquire whether it is the fact that the Governor of the Prison did not deny the allegation?

MR. MONSELL said, he also wished to ask Mr. Attorney General for Ireland, Whether the Government are prepared to withdraw the Proclamation respecting the County of Limerick, which was, he (Mr. Monsell) believed, restored to a state of perfect tranquillity.

MR. O'HAGAN said, in reply, that he had not had time to make the inquiries necessary for the purpose of ascertaining what truth there might be in the statement to which the hon. Member for Waterford

(Mr. Blake) had referred. In answer to the Question of the right hon. Member for Limerick (Mr. Monsell), he had to state that the matter was under the consideration of the executive Government of Ireland; and as recent occurrences in Limerick had undoubtedly tended to the restoration of peace and order in that county, the subject would be considered in a favourable spirit.

PROROGATION OF THE PARLIAMENT.

Message to attend the LORDS COMMISSIONERS.

The House went, and the ROYAL ASSENT was given to several Bills: And afterwards a Speech of the LORDS COMMISSIONERS was delivered to both Houses of Parliament by the LORD CHANCELLOR.

Then a Commission for proroguing the Parliament was read.

After which

THE LORD CHANCELLOR said;

*My Lords, and Gentlemen,*

By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to *Wednesday the Fourteenth day of October* next, to be then here holden; and this Parliament is accordingly prorogued to *Wednesday the Fourteenth day of October* next.

PROTEST AGAINST THE THIRD READING OF THE "ILLEGITIMATE CHILDREN (IRELAND) BILL," APRIL 20, 1863.—(See Vol. 170, p. 379.)

"DISSENTIENT:

"1. Because to remove Doubts as to the Meaning of an existing Act of Parliament by making that to be the Law which was but a notoriously erroneous Construction of it is a novel Principle of Legislation, unworthy of the Dignity of the Legislature.

"2. Because in adjudicating as to the Parentage of illegitimate Children the most important Points will be not of Law, but of Fact, depending mainly on the Value of the Evidence, and that these can be most satisfactorily dealt with

local Magistrates cognizant of the Character of the several Witnesses.

"3. Because it is throwing an undeserved Stigma on the *Irish* Magistracy to suppose them to be unfit or unwilling to deal with judicial Matters, which are left in the Hands of local Magistrates in *England*.

"LIFFORD.

"GRINSTEAD.

"For Second and Third Readings—BELMORE.

"BANDON.

"HAWARDEN.

# TABLE OF ALL THE STATUTES

PASSED IN THE FIFTH SESSION OF

THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM

OF GREAT BRITAIN AND IRELAND.

26° & 27° VICT.

## PUBLIC GENERAL ACTS.

- I. **A**N Act to enable Her Majesty to provide for the Establishment of His Royal Highness the Prince of *Wales* and Her Royal Highness the Princess *Alexandra of Denmark*, and to settle certain Annuities on Her Royal Highness.
- II. An Act to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Passage through the Metropolis of Her Royal Highness the Princess *Alexandra of Denmark*.
- III. An Act to extend the Credit for Payment of a Portion of the Excise Duty on Malt.
- IV. An Act to extend for a further Period the Provisions of the Union Relief Aid Act of the last Session.
- V. An Act to Amend the Law relating to the Royal Naval Coast Volunteers.
- VI. An Act to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty three.
- VII. An Act for altering the Duties on Tobacco, and permitting the Manufacture of Cavendish and Negrohead in Bond.
- VIII. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.
- IX. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.
- X. An Act for prohibiting the Exportation of Salmon at certain Times.
- XI. An Act for the Registration of Births and Deaths in *Ireland*.
- XII. An Act to abolish the Office of Secretary at War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State.
- XIII. An Act for the Protection of certain Garden or Ornamental Grounds in Cities and Boroughs.
- XIV. An Act to amend the Law relating to Post Office Savings Banks.
- XV. An Act to apply the Sum of Twenty Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and sixty-three.
- XVI. An Act for raising the Sum of One million Pounds by Exchequer Bonds for the Service of the year One thousand eight hundred and sixty-three.
- XVII. An Act for amending the Local Government Act (1858).
- XVIII. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.
- XIX. An Act to amend the Law relative to the Sale of Hares in *Ireland*.
- XX. An Act to further limit and define the Time for proceeding to Election during the Recess.
- XXI. An Act to amend the Law enabling Boards of Guardians to recover Costs of Maintenance of illegitimate Children in certain Cases in *Ireland*.
- XXII. An Act to grant certain Duties of Customs and Inland Revenue.
- XXIII. An Act to alter the Boundaries of *New Zealand*.
- XXIV. An Act to facilitate the Appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts.
- XXV. An Act to make further Provision for the



# PUBLIC GENERAL ACTS—26 & 27 VICT.

- Investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks established under the Enactments of the Act Ninth George the Fourth, Chapter Ninety-two.
- XXVI. An Act to facilitate the Drainage of Land in *Ireland*.
- XXVII. An Act to amend the Law relating to Marriages in *Ireland*.
- XXVIII. An Act to give further Facilities to the Holders of the Public Stocks.
- XXIX. An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.
- XXX. An Act to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations.
- XXXI. An Act for the Government of the *Cayman Islands*.
- XXXII. An Act to confirm certain Provisional Orders under the Local Government Act (1858) relating to the Districts of *Basford, Teignmouth, Kingston-upon-Hull, Nottingham, Bradford, Ryde, Bedford, Croydon, Batley, Berwick-upon-Tweed, Sheerness, and Bromsgrove*.
- XXXIII. An Act for granting to Her Majesty certain Duties of Inland Revenue; and to amend the Laws relating to the Inland Revenue.
- XXXIV. An Act to carry into effect an additional Article to the Treaty of the Seventh Day of April One thousand eight hundred and sixty-two, between Her Majesty and the United States of America, for the Suppression of the African Slave Trade.
- XXXV. An Act for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in *South Africa*.
- XXXVI. An Act for carrying into effect the Report of the Commissioners appointed to inquire into the State of the Dioceses of *Canterbury, London, Winchester, and Rochester*; and for other Purposes.
- XXXVII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers.
- XXXVIII. An Act to amend the Act for placing the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Act.
- XXXIX. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners.
- XL. An Act for the Regulation of Bakehouses.
- XLI. An Act to amend the Law respecting the Liability of Innkeepers, and to prevent certain Frauds upon them.
- XLII. An Act to amend the Act of the Twentieth and Twenty-first Years of *Victoria*, authorizing the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in *Ireland*.
- XLIII. An Act to enable Her Majesty's Postmaster General to sell and otherwise dispose of Land.
- XLIV. An Act for the further Security of the Persons of Her Majesty's Subjects from personal violence.
- XLV. An Act for making a new Street from *Blackfriars* to the *Mansion House* in the City of *London* in connection with the Embankment of the River *Thames* on the Northern Side of that River, and for other Purposes.
- XLVI. An Act for further continuing and appropriating the *London Coal and Wine Duties*.
- XLVII. An Act for removing Doubts as to the Powers of the Courts of the Church of *Scotland*, and extending the Powers of the said Courts.
- XLVIII. An Act to repeal the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Sixty-six, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India Company*, and for regulating in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service.
- XLIX. An Act giving Power to sell and dispose of Lands, Parcel of the Possessions of the Duchy of *Cornwall*, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes.
- L. An Act to continue the Powers of the Commissioners under the Salmon Fisheries (*Scotland*) Act until the First Day of *January* One thousand eight hundred and sixty-five, and to amend the said Act.
- LI. An Act to amend the Passengers Act, 1855.
- LII. An Act to further extend and make compulsory the Practice of Vaccination in *Ireland*.
- LIII. An Act to suspend the making of Lists and the Ballots for the Militia of the United Kingdom.
- LIV. An Act for vesting in Her Majesty's Principal Secretary of State for the War Department certain Lands and Hereditaments at *Walmer* in the county of *Kent*.
- LV. An Act to continue the Poor Law Board for a limited Period.
- LVI. An Act to make perpetual an Act to amend the Laws relating to Loan Societies.
- LVII. An Act to consolidate and amend the Acts relating to the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers in case of Death, and to make like Provision for the Cases of Desertion and Insanity, and other Cases.
- LVIII. An Act for confirming a Scheme of the Charity Commissioners for the Management of the Charity of Sir *Robert Hicham*, Knight, King's Serjeant, for the Benefit of *Framlingham, Debenham, and Levington*, in the County of *Suffolk*, and of *Coggeshall* in the County of *Essex*.
- LIX. An Act for confirming a Scheme of the Charity Commissioners for the Management of the Charities in the Borough of *Ruthin* in the County of *Denbigh*, comprising the Hospital of *Christ* and its subsidiary Endowments, the Grammar School, *Edward Lloyd's Foundation*, and Bishop *Goodman's Charity*.
- LX. An Act to confirm a certain Provisional Order under the General Police and Improvement (*Scotland*) Act, 1862, relating to the Burgh of *Leith*.
- LXI. An Act to prevent Waywardens contracting for Works within their own District.
- LXII. An Act to amend the Law relating to the Seizure of growing Crops in *Ireland*.

- LXIII.** An Act to confirm certain Provisional Orders under the Land Drainage Act, 1861.
- LXIV.** An Act to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of *Plymouth, Holywell, Llanelly, West Ham, Worthing, Aberavon, and Wallasey*.
- LXV.** An Act to consolidate and amend the Acts relating to the Volunteer Force in *Great Britain*.
- LXVI.** An Act to amend the Law relating to Prisons in *Ireland*.
- LXVII.** An Act to enable Provision to be made out of the Funds of *Greenwich Hospital* for the Widows of Seamen and Marines slain, killed, or drowned in the Sea Service of the Crown.
- LXVIII.** An Act to extend the Powers of the Act relating to the Main Drainage of the Metropolis.
- LXIX.** An Act to establish Officers of the Royal Naval Reserve.
- LXX.** An Act to facilitate the Execution of Public Works in certain Manufacturing Districts; to authorize for that Purpose Advances of Public Money to a limited Amount upon Security of Local Rates; and to shorten the Period for the Adoption of The Local Government Act 1858, in certain cases.
- LXXI.** An Act for the Preservation and Improvement of *Harwich Harbour*.
- LXXII.** An Act for the further Improvement of the Harbour of *Houth*.
- LXXIII.** An Act to give further Facilities to the Holders of *India Stock*.
- LXXIV.** An Act to enable Her Majesty to declare Gold Coins to be issued from Her Majesty's Branch Mint at *Sydney, New South Wales*, a legal Tender for Payments; and for other Purposes relating thereto.
- LXXV.** An Act for the Embankment of Part of the River *Thames*, on the South Side thereof, in the Parish of *Saint Mary Lambeth*, and for other Purposes.
- LXXVI.** An Act to determine the Time at which Letters Patent shall take effect in the Colonies.
- LXXVII.** An Act to amend the Law relating to the Jurisdiction of Justices residing or being out of the County for which they are Justices.
- LXXVIII.** An Act to amend the Acts relating to the Turnpike Roads in the Neighbourhood of the Metropolis North of the River *Thames*.
- LXXIX.** An Act for the Amendment of the Law relating to the Religious Instruction of Prisoners in County and Borough Prisons in *England and Scotland*.
- LXXX.** An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arminals and Dockyards and the Ports of *Dover and Portland*, and of erecting a Central Arsenal.
- LXXXI.** An Act to amend, so far as regards Advances for the Purposes of "The Harbours and Passing Tolls, &c. Act, 1861," certain of the Acts authorizing the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and Employment of the Poor.
- LXXXII.** An Act to empower the Bishops of *Welsh Dioceses* to facilitate the making Provision for *English Services* in certain Parishes in *Wales*.
- LXXXIII.** An Act to define the Boundaries of
- the Colony of *British Columbia*, and to continue an Act to provide for the Government of the said Colony.
- LXXXIV.** An Act to confirm certain Acts of Colonial Legislatures.
- LXXXV.** An Act to give Relief to Persons who may refuse or be unwilling, from alleged conscientious Motives, to be sworn in Criminal Proceedings in *Scotland*.
- LXXXVI.** An Act to authorize the taking of Harbour Dues at *Port Erin* in the *Isle of Man*, in order to provide a Fund for the Improvement of the Harbour; and for other purposes.
- LXXXVII.** An Act to consolidate and amend the Laws relating to Savings Banks.
- LXXXVIII.** An Act to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in *Ireland*.
- LXXXIX.** An Act for the further Amendment of the Law relating to the Removal of poor Persons, Natives of *Ireland*, from *England*.
- XC.** An Act to provide for the Registration of Marriages in *Ireland*.
- XCI.** An Act to extend for a further Period the Provisions of the Union Relief Aid Acts.
- XCII.** An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Railways.
- XCIII.** An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks.
- XCIV.** An Act to amend the Law relating to the Repair of Turnpike Roads in *England*, and to continue certain Turnpike Acts in *Great Britain*.
- XCV.** An Act for continuing various expiring Acts.
- XCVI.** An Act to amend the Petty Sessions (*Ireland*) Act (1851), and the Petty Sessions Clerks (*Ireland*) Act (1858).
- XCVII.** An Act to enable Cities, Towns, and Boroughs of Twenty-five thousand Inhabitants and upwards to appoint Stipendiary Magistrates.
- XCVIII.** An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.
- XCIX.** An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty-three, and to appropriate the Supplies granted in this Session of Parliament.
- C.** An Act to render Owners of Dogs in *Scotland* liable in certain Cases for Injuries done by their Dogs to Sheep and Cattle.
- CI.** An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.
- CII.** An Act to reduce the Duty on Rum in certain Cases.
- CIII.** An Act to amend the Law in certain Cases of Misappropriation by Servants of the Property of their Masters.
- CIV.** An Act for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to *Blackpool, Deal and Walmer, Eamouth, Roseheart, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth, and Nairn*.
- CV.** An Act to remove certain Restrictions on the Negotiation of Promissory Notes and Bills of Exchange under a limited Sum.

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- CVI. An Act to further amend the Law relating to the Conveyance of Land for Charitable Uses.
- CVII. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.
- CVIII. An Act to extend and make compulsory the Practice of Vaccination in *Scotland*.
- CIX. An Act for remedying certain Defects in the Law relating to the Removal of Prisoners in *Scotland*.
- CX. An Act to amend the Lunacy Acts in relation to the building of Asylums for Pauper Lunatics.
- CXI. An Act to amend the Naval Medical Supplemental Fund Society Winding-up Act, 1861.
- CXII. An Act to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs.
- CXIII. An Act to prohibit the Sale and Use of poisoned Grain or Seed.
- CXIV. An Act to amend the Laws relating to Fisheries in *Ireland*.
- CXV. An Act to explain the Act for the Amendment of the Law relative to gratuitous Trustees in *Scotland*.
- CXVI. An Act to provide for the Appointment of Navy Prize Agents, and respecting their Duties and Remuneration.
- CXVII. An Act to amend the Nuisances Removal Act for England, 1855, with respect to the Seizure of diseased and unwholesome Meat.
- CXVIII. An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to the Constitution and Management of Companies incorporated for carrying on Undertakings of a public Nature.
- CXIX. An Act to prevent false Representations as to Grants of Medals or Certificates made by the Commissioners for the Exhibition of 1861 and 1862.
- CXX. An Act for the Augmentation of certain Benefices, the Right of Presentation to which is vested in the Lord Chancellor.
- CXXI. An Act to establish the Validity of Acts performed in Her Majesty's Possessions abroad by certain Clergymen ordained in Foreign Parts, and to extend the Powers of Colonial Legislatures with respect to such Clergymen.
- CXXII. An Act to enable Her Majesty in Council to make Alterations in the Circuits of the Judges.
- CXXIII. An Act to amend the Law relating to District Parochial Churches in *Ireland*.
- CXXIV. An Act for the more effectual Condensation of Muriatic Acid Gas in Alkali Works.
- CXXV. An Act for promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.

# LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

- i. AN Act for stopping up certain Streets and widening other Streets in the Borough of *Cambridge*.
- ii. An Act to enable the *Mid-Wales Railway Company* to raise a further Sum of Money.
- iii. An Act to grant further Powers to the *Berks and Hants Extension Railway Company*.
- iv. An Act for repairing the Road from *Market Harborough to Loughborough* in the County of *Leicester*; and for other Purposes.
- v. An Act for enabling the *London and North-western and Lancashire and Yorkshire Railway Companies* to raise further Monies for Purposes connected with the *North Union Railway* and the *Preston and Wyr's Railway*, Harbour, and Dock; and for other Purposes.
- vi. An Act for conferring further Powers on the *South Staffordshire Railway Company* with respect to their Undertaking; and for other Purposes.
- vii. An Act to regulate the Mode of Valuation of certain underground Gas Pipes or Works in the City of *Glasgow*, for the Purpose of Assessments under "The *Glasgow Police Act, 1862*," in conformity with the Provisions of "The General Police and Improvement (*Scotland*) Act, 1862."
- viii. An Act for lighting with Gas *Leyland and Farrington*, and other Places in the Neighbourhood thereof, in *Lancashire*.
- ix. An Act to enable the *Hereford, Hay, and Brecon Railway Company* to raise a further Sum of Money; and for other Purposes.
- x. An Act to enable the *Caledonian Railway Company* to make a Deviation of their *Rutherglen and Coatbridge Branch* in the County of *Lanark*; and for other Purposes.
- xi. An Act to enable the *Scarborough Waterworks Company* to raise further Sums of Money; and for other Purposes.
- xii. An Act to enable the *Harrogate Gas Company* to raise additional Capital; to extend their Limits for supplying Gas; to repeal, amend, and extend the Act relating to the Company; and for other Purposes.
- xiii. An Act to confer upon the Mayor, Aldermen, and Burgesses of the Borough of *Swansea* further Powers for the Improvement and regulation of the Markets and Fairs in the said Borough, and also for commuting or disposing of certain Quayage and Town Dues now payable in the said Borough, and for the better Government and Regulation of the said Borough.
- xiv. An Act to enable the *Glasgow and South-western Railway Company* to raise a further Sum of Money; and for other Purposes.
- xv. An Act to enable the *Leeds Gaslight Company* to raise a further Sum of Money, to extend their Limits of Supply; and for other Purposes.
- xvi. An Act to enable the Right Honourable *William Earl of Lonsdale* to make and maintain a Wet Dock at *Workington* in the County of *Cumberland*, and a Railway therefrom to join the *Whitehaven Junction Railway*, in lieu of the Dock or Tidal Basin and Railway authorized by "The *Workington Dock Act, 1861*;" and for other Purposes.
- xvii. An Act for better supplying the Town of *Denbigh* and Neighbourhood thereof with Water, and for other Purposes.
- xviii. An Act to incorporate the *North Bierley Gaslight and Coke Company, Limited*, and to make further Provision for lighting *North Bierley* and other Townships and Places in the Neighbourhood thereof with Gas.
- xix. An Act to repeal an Act passed in the Third Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for the more effectually repairing and maintaining the Turnpike Road from Pant Evan Brook in the County of Flint to Abergelle in the County of Denbigh, and thence to Conway Ferry House in the County of Carnarvon*.
- xx. An Act for enabling the *Vale of Llangollen Railway Company* to raise additional Capital; and for other Purposes.
- xxi. An Act to reduce and regulate the Capital of the *Van Diemen's Land Company*.
- xxii. An Act for providing a Cattle Market in the City of *Peterborough*, and for other Purposes.
- xxiii. An Act to incorporate a Company for holding a Market and Fairs in the Town and Parish of *Aylesbury* in the County of *Buckingham*; and for other Purposes.
- xxiv. An Act to enable the *Caledonian Railway Company* to make a Branch Railway from *Carstairs* to join the *Leadburn, Linton, and Dolphinton Railway*; and for other Purposes.
- xxv. An Act for enabling the *Caledonian Railway Company* to widen and improve certain Portions of their *Lismahagow Branches*; to make a Deviation and Extension in connection therewith; to substitute Bridges for certain level Crossings on their Main Line and on the *Glasgow, Barrhead, and Neilson Direct Railway*; to alter certain Roads, improve and enlarge certain Stations and other Works, and acquire additional Lands; and for other Purposes.
- xxvi. An Act for making a Railway from the *Glasgow, Barrhead, and Neilson Direct Railway* to *Busby*, with a Branch to *Busby Print Works*, in the Counties of *Renfrew and Lanark*; and for other Purposes.
- xxvii. An Act for making a Turnpike Road from

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- Pensance to Saint Just* in *Penrith* in the County of *Cornwall*, with Branches, and for Adoption, Alteration, and Improvement, for the Purposes thereof, of certain public Highways; and for other Purposes.
- xxviii. An Act to continue the *Cleeve and Evesham* Turnpike Trust in the County of *Gloucester*, and for other Purposes.
- xxix. An Act to amend "The *Hamilton Waterworks* Act, 1854," and to authorize the raising of a further Sum of Money; and for other Purposes.
- xxx. An Act for more effectually repairing and improving the several Roads comprised in the *Flint*, *Holywell*, and *Mostyn* Districts of Roads; and for reviving and extending the Powers for the Construction of certain new Roads; and for other Purposes.
- xxxi. An Act to extend the Time for completing the *Cleveland* Railway; to authorize the *Cleveland* Railway Company to raise further Sums of Money, and the *West Hartlepool* Harbour and Railway Company to hold additional Shares; and for other Purposes.
- xxxii. An Act to enable the *Inverness and Aberdeen Junction* Railway Company to extend their Railway from *Invergordon* in the County of *Ross* to *Tain* and *Bonar Bridge* in the same County; and for other Purposes.
- xxxiii. An Act to enable the Local Board of Health for the District of *Rugby* in the County of *Warwick* to provide a better Supply of Water for the Inhabitants of that District and its Neighbourhood; and for other Purposes.
- xxxiv. An Act for better supplying with Water the Towns of *Newcastle-upon-Tyne* and *Gateshead*, and the Neighbourhood thereof, and for amending and consolidating the Provisions of the Acts relating to the *Whittle Dean* Water Company.
- xxxv. An Act for more effectually supplying Water to the Town of *Great Grimsby*, and several Places near thereto.
- xxxvi. An Act to authorize the *Accrington* Gas and Water Works Company to extend their Gasworks and Waterworks, and their Limits of Supply; to raise additional Monies; and for other Purposes.
- xxxvii. An Act to authorize the *Surrey Consumers* Gas Company to raise a further Sum of Money.
- xxxviii. An Act for more completely merging in the Undertaking of the *Caledonian* Railway Company the Railways known as the *Granton* Branches, and for raising Money to widen and improve the same, and for other Purposes.
- xxxix. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the *Desford* Turnpike Road, being the Road branching out of the *Leicester* and *Welford* Road at *Foston Lane* to the Road leading from *Hinckley* to *Ashby-de-la-Zouch* at *Obaston* Toll Gate in the County of *Leicester*.
- xl. An Act for enabling the *Newtown and Machynlleth* Railway Company to raise additional Capital; and for other Purposes.
- xli. An Act to amend the Acts relating to the *Nottingham* Gas Company, and to enable that Company to raise additional Lands; and for other Purposes.
- xlii. An Act for enabling the *Cockermouth and Workington* Railway Company to execute further Works; and for amending the Acts relating to their Railway.
- xliii. An Act for making a Tramway in the Parish of *Portsea* in the County of *Southampton*, and for other Purposes.
- xliv. An Act for extending the Limits within which the *Maidstone* Waterworks Company may supply Water, and for authorizing them to provide additional Works and to raise further Monies; and for other Purposes.
- xlv. An Act for the Improvement of the Port and Harbour of *Dungarvan*; for vesting the Markets of that Town in the Town Commissioners of *Dungarvan*, and for enabling the said Commissioners to extend and regulate the same; for the Transfer from the Grand Jury of the County of *Waterford* to the said Commissioners of the Management of the Roads and Bridges in the said Town; for the Improvement of the said Town; and for other Purposes.
- xlvi. An Act to authorize the Construction of a new public Road from *Battersea* to *Clapham*, and for other Purposes.
- xlvii. An Act for making an Extension of the *Greenock and Wemyss Bay* Railway in the County of *Renfrew*, and a Pier in connection therewith, in lieu of the Pier authorized by "The *Greenock and Wemyss Bay* Railway Act, 1862," and for other Purposes.
- xlviii. An Act for making further Provision for the Drainage of the *Marshland Smeeth* and *Fen* District in the County of *Marshland* in the County of *Norfolk*, and for other Purposes.
- xlix. An Act to amend the Acts relating to the *Wear* Navigation and *Sunderland* Docks, and to authorize the making of additional Works, and for other Purposes.
1. An Act for authorizing the *Cowes and Newport* Railway Company to raise further Monies.
  - ii. An Act to continue the *Cheltenham* Turnpike Trust in the County of *Gloucester*, and for other Purposes.
  - iii. An Act for extending the District of the Local Board of Health for the District of *Sowerby Bridge* in the West Riding of the County of *York*; to enable them to contract for Water and supply the District therewith; to amend the Acts relating to the District; and for other Purposes.
  - liii. An Act for repairing the Road leading from *Burleigh Bridge* in *Loughborough* to *Ashby-de-la-Zouch* in the County of *Leicester*, and also the Road branching out of the said Road at *Coleorton* Church to *Kempstone* in the Counties of *Leicester* and *Nottingham*.
  - liv. An Act to enable the *Mersey* Docks and Harbour Board to extend the North River Wall at *Liverpool*, and to raise a further Sum of Money; and for other Purposes.
  - lv. An Act to incorporate the Mercantile Marine Service Association of *Liverpool*, and to enable them the better to carry on their beneficial Designs.
  - lvi. An Act to enable the *Cork and Kinsale Junction* Railway Company to raise additional Money, and to contribute to an Hotel at *Kinsale*; and for other Purposes.
  - lvii. An Act for more effectually lighting with Gas the Parishes of *Gravesend*, *Milton*, and *Northfleet*, in the County of *Kent*.
  - lviii. An Act for the Amalgamation of the *Perth and Dunkeld* Railway Company with the *Inverness* and *Perth Junction* Railway Company.
  - lix. An Act to continue the *Abergavenny* Turn-

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- pike Trust, excepting certain Roads, and for other Purposes.
- lx. An Act to enable the *Bristol and Exeter* Railway Company to purchase additional Lands, and raise further Sums of Money; to confer Powers with respect to the *West Somerset* and *Chard and Taunton* Railways, and other Undertakings; to alter Rates and Charges; to amend the Acts relating to the Company; and for other Purposes.
- lxi. An Act to enable the *Inverness and Perth Junction* Railway Company to make Deviations of their authorized Line of Railway, and for other Purposes.
- lxii. An Act to authorize the Mayor and Commonalty and Citizens of the City of London to rebuild *Blackfriars Bridge*.
- lxiii. An Act for the making and maintaining of a Bridge over the River *Mersey*, to be called "*Rixton and Warburton Bridge*," with Roads thereto, and for other Purposes.
- lxiv. An Act to enable the *Whitehaven, Cleator, and Egremont* Railway Company to extend their Railway from *Lamplugh* to join the *Cockermouth and Workington* Railway in the County of *Cumberland*; to divert and alter a Portion of the *Frizington Branch* Railway at *Cleator Moor*; to raise further Capital; and for other Purposes.
- lxv. An Act for making a Railway from *Fochabers* to *Garmouth*, and for other Purposes.
- lxvi. An Act for the Regulation and Management of certain Railways between *Seaham* and *Sunderland* in the County of *Durham*, the Construction of additional Railways in connection therewith, the Acquisition of the Lands over which the same are or are to be constructed, and for other Purposes.
- lxvii. An Act for making a Railway from *Wareham* to *Swanage* in the County of *Dorset*, and for other Purposes.
- lxviii. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to construct new Works and acquire additional Lands in connection with their Waterworks; to extend their Limits of Supply; to improve *Piccadilly* in *Manchester*; and for other Purposes.
- lxix. An Act to authorize Arrangements between the *London, Tilbury, and Southend* Railway Company, and the Lessees of their Undertaking, and the *Eastern Counties* and *London and Blackwall* Railway Companies, with reference to the Lease and Working of the *London, Tilbury, and Southend* Railway; and for other Purposes.
- lxx. An Act for enabling the *Southampton and Netley* Railway Company to make a Deviation of their authorized Line of Railway; and for other Purposes.
- lxxi. An Act for the better Regulation of the Commons of the Manor of *Rusthall*, and the Rights therein of the Freehold Tenants of the Manor, and for other Purposes.
- lxxii. An Act for the Improvement of *Pembroke* Township, comprising *Haggotrath, Donnybrook, Sandymount Kingsend, and Irishtown*, in the Barony of *Dublin* and County of *Dublin*.
- lxxiii. An Act for the Commitment of Prisoners from the City and County of the City of *Exeter* to the Gaol and House of Correction for the County of *Devon*; and for the Sale and Disposal of the present Gaol and House of Correction for the City and County of the City of *Exeter* and the Land belonging thereto; and for other Purposes.
- lxxiv. An Act for the Construction by the *Midland* Railway Company of a new Line of Railway between *London* and *Bedford*, with Branches therefrom; and for other Purposes.
- lxxv. An Act for a Lease of the Undertaking of the *Penarth* Harbour, Dock, and Railway Company to the *Taff Vale* Railway Company, and for other Purposes.
- lxxvi. An Act to enable the Grand Jury of the County of *Mayo* to present and recover Arrears of Grand Jury Cess upon said County, and upon certain Baronies thereof, in order to the Payment of Sums due to Contractors and others.
- lxxvii. An Act for enabling the *Central Wales Extension* Railway Company to raise additional Capital; to make working and other Agreements with the *London and North-Western* Railway Company; and for other Purposes.
- lxxviii. An Act to enable the Lord Mayor, Aldermen, and Burgesses of *Dublin* to abandon a Portion of the Works authorized by "The *Dublin* Corporation Waterworks Act, 1861," and to construct and maintain other Works; and for other Purposes.
- lxxix. An Act for the Amalgamation of the *Knighton* and the *Central Wales* Railway Companies; for authorizing Arrangements between those Companies, or either of them, and the *London and North-western* Railway Company; and for other Purposes.
- lxxx. An Act to enable the *Mid-Wales* Railway Company to make a Branch Railway from the *Mid-Wales* Railway in the Parish of *Saint Harmon* in the County of *Radnor* to the *Manchester and Milford* Railway in the Parish of *Llangurig* in the County of *Montgomery*, and to enable the said Company to use the *Brecon and Merthyr Junction* Railways; and for other Purposes.
- lxxxi. An Act to confer further Powers for embanking and reclaiming from the Sea the Estuary or Back Strand of *Tramore* in the County of *Waterford*; and to amend "The *Tramore* Embankment Act, 1852," and "The *Tramore* Embankment Act, 1858."
- lxxxii. An Act to empower the *Furness* Railway Company and the *Midland* Railway Company to construct a Railway to be called "The *Furness and Midland* Railway;" and for other Purposes.
- lxxxiii. An Act for authorizing the *Saffron Walden* Railway Company to make and maintain Railways to the *Great Eastern* Railway at *Barlow*; to raise further Monies; and for other Purposes.
- lxxxiv. An Act for the Reclamation from the Sea of Waste Lands subject to be overflowed by the Tide near to *Horsey Island* on the Coast of *Essex*.
- lxxxv. An Act to enable the *Bishops Waltham* Railway Company to increase their Capital; and for other Purposes.
- lxxxvi. An Act to enable the *Dublin, Wicklow, and Wexford* Railway Company to purchase Lands in the City and County of *Dublin*; to construct a Branch Railway in the County of *Wicklow*; to raise additional Capital; and for other Purposes.
- lxxxvii. An Act for authorizing the *Stockport* District Waterworks Company to acquire existing Waterworks within their District, and to

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- raise further Monies; and for other Purposes.
- lxxxviii. An Act to enable the *Ware, Hadham, and Buntingford* Railway Company to raise additional Capital; and for other Purposes.
- lxxxix. An Act for vesting the Harbour of *Barrow* in the County Palatine of *Lancaster* in the *Furness* Railway Company; for enabling the said Company to construct a Dock and other Works at *Barrow*, and to raise further Capital; and for other Purposes.
- x. An Act for authorizing the Amalgamation of the Undertakings of divers Railway Companies with the Undertaking of the *London and South-western* Railway Company; and divers Arrangements between that Company and other Companies and Bodies; and for other Purposes.
- xci. An Act for supplying with Gas the Villages of *Elsecar, Wentworth, and Hoyland*, and Parts adjacent, in the West Riding of the County of *York*.
- xcii. An Act to authorize the Mayor, Aldermen, and Citizens of the City of *Coventry* in the County of *Warwick* to erect a Market House in the said City.
- xciii. An Act for making better Provision for the Management and Relief of the Poor in the City of *Norwich* and County of the same City.
- xciv. An Act for incorporating the *Skipton* Gaslight and Coke Company, and for conferring upon them further Powers for the Supply of Gas to the Township of *Skipton* and certain neighbouring Townships in the West Riding of the County of *York*.
- xcv. An Act for authorizing the *Stourbridge* Railway Company to raise further Monies; and for other Purposes.
- xcvi. An Act for authorizing the *Oswestry and Newtown* Railway Company to make a Branch to *Aberbechan*, and to raise additional Capital; and for other Purposes.
- xcvii. An Act to authorize the *Shrewsbury and Welchpool* Railway Company to raise a further Sum of Money; and for other Purposes.
- xcviii. An Act to repeal an Act passed in the Eleventh year of the Reign of His late Majesty King *George* the Fourth, intitled *An Act for repairing, altering, and improving the Roads from Ashbourne to Sudbury, and from Sudbury to Yoxall Bridge, and from Hatton Moor to Tutbury, and from Uttoxeter to or near the Village of Draycott-in-the-Clay, and from Hadley Plain on the late Forest or Chase of Needwood to Callingwood Plain on the same late Forest or Chase*; and to make other Provisions in lieu thereof.
- xcix. An Act with respect to the Capital of the *Cork and Youghal* Railway Company, and to enable that Company to transfer their Undertaking.
- c. An Act for the Improvement by the *Coleraine* Town Commissioners of the Navigation of the River *Bann*; and for other Purposes.
- ci. An Act to authorize Arrangements between the Vestry and Guardians of the Poor of the Parish of *Saint Luke* in the County of *Middlesex* for the Erection and use of a Vestry Hall and Offices, to amend the Acts relating to such Workhouse and Parish, and for other Purposes.
- cii. An Act for authorizing the Company of Proprietors of the *Southampton and Itchen* Floating Bridge and Roads to improve their present Works, and to establish a new Floating Jetty, and to raise further Monies; and for other Purposes.
- ciii. An Act to confer further Powers upon the *Llanelly* Railway and Dock Company.
- civ. An Act to enable the *Buckley* Railway Company to raise a further Sum of Money; and for other Purposes.
- cv. An Act to enable the *Launceston and South Devon* Railway Company to make a Deviation of their authorized Line of Railway; and for other Purposes.
- cvi. An Act to confer further Powers upon the *Birkenhead* Improvement Commissioners, and to make Provisions with respect to their Mortgage Debts and to enable them to raise further Monies; and for other Purposes.
- cvi. An Act to authorize the Construction of a Pier at *Portbury* in the County of *Somerset*, and of a Railway therefrom to the *Bristol and Exeter* Railway near *Bristol*, with a Branch Railway to *Portishead*; and for other Purposes.
- cvi. An Act to confer further Powers on the *Cockermouth, Keswick, and Penrith* Railway Company in relation to their Undertaking; to enable the *London and North-western* and the *Stockton and Darlington* Railway Companies to subscribe thereto; and for other Purposes relating thereto, and to the *Cockermouth and Workington* Railway.
- cix. An Act for authorizing the making and maintaining of Lines of Railway to connect the *Andover and Redbridge* Railway with the *London and South-western* Railway; and for the Amalgamation of the *Andover and Redbridge* Railway with the *London and South-western* Railway; and for other Purposes.
- cx. An Act to incorporate a Company for making a Railway from the *London and North-western* Railway to *Newport Pagnell*, with Powers to purchase the *Newport Pagnell* Canal.
- cx. An Act to authorize the Construction of Docks at *Tranmere Pool* in the County of *Chester*.
- cxii. An Act to incorporate the *Great Yarmouth* Gas Company, and make further Provisions for lighting the Town of *Great Yarmouth* and certain neighbouring Places with Gas.
- cxiii. An Act for the Amalgamation of the *West Midland* Railway Company with the *Great Western* Railway Company; and for other Purposes.
- cxiv. An Act for making a Railway from the *Aschurch and Evesham* Railway of the *Midland* Railway Company, in the Parish of *Saint Lawrence, Evesham*, in the County of *Worcester*, to the *Redditch* Railway at *Redditch*, with a Branch to the *West Midland* Railway; and for other Purposes.
- cxv. An Act for regulating the Capital and Debt of the *Charing Cross* Railway Company; and for authorizing the Amalgamation of that Company with the *South-eastern* Railway Company; and for other Purposes.
- cxvi. An Act to alter the Line of the *Letterkenny* Railway in the County of *Donegal*; to extend and enlarge the Powers of the Act relating to that Railway; and to authorize certain Arrangements with the *Londonderry and Lough Swilly* Railway Company; and for other Purposes.
- cxvii. An Act for enabling the Local Board of Health for the District of *Rotherham and Kimberworth* in the West Riding of the County of

by the Board of Trade being enabled to grant, refuse, and withdraw any licence; next, that the testing machine might be certified by a Government engineer; and thirdly, that every testing might, if necessary, be performed in the presence of a Government inspector. This was a stringent Act, and his object was that it should work as easily as possible. He therefore begged to propose this Amendment, which was absolutely concurrent with the 11th recommendation of the Report of the Committee of 1860. The hon. Gentleman concluded by moving his Amendment.

Amendment proposed, in Clause 1, line 12, after "public bodies or companies," to insert "or private companies or parties."  
—(*Mr. Cave.*)

MR. MILNER GIBSON suggested the substitution of the word "persons."

MR. BENTINCK opposed the Amendment, which would defeat the main object of the Bill. If irresponsible persons were to apply the test, there would be no safety, which could only be attained by requiring the testing to be done under the superintendence of a Government officer.

MR. LINDSAY said, he could not understand how any objection could be raised to the Amendment; but before proceeding further he wished the hon. Member who had charge of the Bill to state to the Committee how he expected it to work. For his own part, he believed the Bill, if passed, would be utterly impracticable; and he could not approve, at this period of the Session, of wasting time upon a Bill which, if passed, must remain a dead letter. The House had been a good deal governed by sentimental views upon this question; but he could state that all large shipowners took every means to test their chains and anchors for their own sakes. There were now seventy or eighty makers of anchors and chain cables in about thirty-five different places, and there were three hundred persons engaged in the sale of those anchors and chains. It appeared to be considered that the testing of anchors and chains was the same as testing guns; but it was not so. A gunmaker selling a weapon which had not been properly tested was liable to a penalty, but not the person who used the gun. But under this Bill not only was there a penalty upon the manufacturer, but also upon the person who bought it, and upon the captain of the vessel which carried it.

MR. LAIRD rose to order. The hon. Gentleman was discussing the principle, which had already been decided upon.

MR. LINDSAY said, he would confine his remarks to the first clause, which empowered the Board of Trade to grant licences. What power was there to compel anybody to take out a licence?

MR. LAIRD said, there were existing testing machines in many places, and he knew that if this Bill passed, there were many persons who were prepared to take out licences from the Board of Trade. As to the Bill not being workable, he could only say that it had been gone through clause by clause by practical men acquainted with testing machinery. It had been considered by a sub-committee of Lloyd's, who approved not only of the principle, but also of the details; and the Association of Shipowners of London, who had entertained objections to the original measure, were satisfied with the Amendments he proposed, and had withdrawn their opposition to it. With respect to the Amendment, he could not assent to it, and would remind the hon. Gentleman who moved, that although the eminent firm who supplied chains to the Admiralty tested all their work, yet the Government always performed its own test at Woolwich.

MR. MILNER GIBSON said, if the Board of Trade was only to license public companies or corporate bodies, and not private traders, the effect would be to create monopoly.

MR. LAIRD said, he would accept the Amendment if it were so altered as to provide that a manufacturer should not test his own anchors.

MR. LINDSAY said, the Bill would either create a monopoly or it would become a dead letter. Would there be testing machines at all the thirty-five places where chains and anchors were now manufactured?

MR. J. C. EWART remarked, that if the Bill should pass, chains and anchors could not be sold without being tested.

MR. CAVE, in reply to Mr. Gibson, would not object to alter the wording of the Amendment. In answer to other Members, he stated that he did not mean that private firms should test their own manufactures, but that the testing should be done under Government superintendence.

MR. C. TURNER suggested that the parties to be licensed should not be manufacturers of chain cables.



Mr. BENTINCK would not persist in his opposition to the Amendment after the explanation that had been given. He would, however, observe that this Bill was no attempt to create a monopoly, but to check an abuse.

Amendment amended, and *agreed to*.

Mr. C. TURNER proposed to add the words "not being manufacturers of chain cables."

Amendment proposed,

In page 1, line 11, after the words "persons," to insert the words "not being manufacturers of Anchors or Chain Cables."—(Mr. Turner.)

Mr. CAVE could not agree to the addition proposed. The object of his Amendment had been to enable manufacturers having testing machines upon their premises to avail themselves of those machines, instead of compelling them to lose the benefit of the outlay incurred in the erection of the machines.

Mr. C. TURNER could not see that a manufacturer's certificate of the goodness of his own work would be worth much.

Mr. LINDSAY agreed with the hon. Gentleman, and said that that was a single instance of how impossible it would be to make the Bill work. Was it intended to have a Government officer present at each manufactory? The result of the measure, if it passed, would be, that the public would get as bad chains as at present, but with a deceptive guarantee. He suspected that shipowners wanted to get some other advantage from this Bill. If they could get their equipment certified by the Board of Trade, and anything happened to their ships, they could reply to any objection of the insurance companies, on the ground of insufficient equipment, that they possessed a certificate from the Board of Trade. In short, it was sought to shift responsibility from the shipowners, and that was one chief reason why they supported the Bill.

Mr. LIDDELL said, if there were any apprehensions upon that ground, a clause might easily be introduced, providing that no responsibility at present cast upon the shipowner by law should be diminished in consequence of the passing of this Bill.

Mr. R. HODGSON, on behalf of the shipowners, protested against the statement of the hon. Member for Sunderland (Mr. Lindsay). They did not support the Bill from any desire to escape the responsibility which at present rested upon them. He believed that their only

motive was to make their ships and the lives of those who ventured in them as safe as possible. But he was of opinion that some better means than that in the Bill should be provided for securing testing machinery and testors throughout the country.

Mr. T. BARING also denied that this was a Bill put forward in the interest of the shipowners. Its object was the preservation of life and property.

Mr. HORSFALL denied that the Bill would relieve shipowners from responsibility. Every shipowner had a certificate of much greater value than that now proposed—namely, a certificate from the Board of Trade that his ships had qualified masters and mates. Yet his responsibility was not thereby diminished.

Mr. LINDSAY said, that the regulation referred to by the hon. Gentleman did release shipowners from some responsibility, because now in case of loss of life or property no one could declare that the ship had not a competent master. So it would be with these anchors and chain cables. He did not mean to cast any reflection on the shipowners as a body, but thought it far better to leave the responsibility with individuals than attempt to legislate on such a subject.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 60; Noes 30: Majority 30:—Words *added*.

Mr. MILNER GIBSON asked, whether no person who had ever manufactured chain cables or anchors was to be entitled to the testing licence.

Mr. C. TURNER said, the meaning of the words was obvious—that no persons being manufacturers at the time could hold a licence.

Mr. LAIRD said, the object was to prevent any person from testing his own anchors.

Mr. MILNER GIBSON pointed out that by preventing manufacturers from doing this you, in fact, rendered worthless the capital they had invested in testing machines.

Mr. C. TURNER thought it very undesirable that a manufacturer should be allowed to test either his own or his friend's chains or anchors. In many cases, no doubt, the test would be honestly applied; but if this were permitted, public confidence in the result would be destroyed. To be of any value the certificate must be given by independent parties, in whom the public could feel confidence.

Mr. C. Turner

MR. LINDSAY concurred in thinking that the certificate should be given by an independent authority; but this decision of the Committee suggested with renewed force the question, what guarantee existed that any such authority would set up the testing machinery; and if not, the whole Bill would be as waste paper.

Clause, as amended, *agreed to*.

Clause 2 (Testor to test all Anchors and Cables in proper order, and impress the same with authorized Proof Mark).

MR. LINDSAY inquired who was to be the testor.

MR. LAIRD said, it was proposed to license the present independent testing establishments, if the Board of Trade thought them competent, and the responsibility of testing these articles would be thrown upon them, Inspectors visiting those establishments occasionally to see that the machinery was in good order.

Clause *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*.

House adjourned at five minutes before Six o'clock.

## HOUSE OF LORDS,

*Thursday, July 16, 1863.*

MINUTES.]—*Sat First in Parliament*.—The Lord Seymour (commonly called Earl Saint Maur), being called up to the House of Lords in his Father's Barony of Seymour.

PUBLIC BILLS—*First Reading*—India Stock\* (No. 223).

*Second Reading*—Alterations in Judges' Circuits [H.L.] (No. 212); Fisheries (Ireland) (No. 211); Greenwich Hospital (Provision for Widows) (No. 207); Metropolitan Main Drainage Extension (No. 208); Misappropriation by Servants\* (No. 204).

*Select Committee—Report*—Pier and Harbour Orders Confirmation\* (No. 220).

*Committee—Savings Banks Acts Amendment\** (No. 183 & 221); Stipendiary Magistrates\* (No. 196 & 222); Growing Crops Seizure (Ireland)\* (No. 209); Land Drainage (Provisional Orders)\* (No. 160); Port Erin Harbour (Isle of Man)\* (No. 169); Colonial Acts Confirmation [H.L.]\* (No. 213).

*Report*—Removal of Irish Poor\* (No. 218); Growing Crops Seizure (Ireland)\*; Land Drainage (Provisional Orders)\*; Marriages Registration (Ireland)\* (No. 219).

*Third Reading*—Metropolis Turnpike Roads Act Amendment\* (No. 145), and *passed*.

## ALTERATIONS IN JUDGES' CIRCUITS BILL [H.L.]—(No. 112.)

### SECOND READING.

THE LORD CHANCELLOR, on moving the second reading of this Bill, explained that its object was to confer upon Her Majesty additional powers with reference to the alteration of circuits, and that it was rendered necessary by the provisions of the law as to the appointment of revising barristers. He did not at present think it desirable to enter into an explanation of the changes which it was intended to make in the circuits; but he trusted that the arrangement would be satisfactory, and would come into operation at the next Spring Assizes.

*Moved*, That the Bill be now read 2<sup>a</sup>: (*The Lord Chancellor*.)

LORD BROUGHAM expressed his entire approval of the Bill.

THE EARL OF POWIS asked whether the Bill would empower the Sovereign to abolish the holding of assizes in places in which they were now held?

THE LORD CHANCELLOR said, that the power referred to by the noble Earl was not given in this Bill, because it already existed under the 3 & 4 Will. IV., c. 71.

*Motion agreed to*: Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

## FISHERIES (IRELAND) BILL—(No. 211.)

### SECOND READING.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY, in moving that the Bill be now read a second time, stated that its object was to assimilate the law relating to salmon fisheries in Ireland as nearly as possible to that which prevailed in England and Scotland, and which, although only recently introduced, had already been productive of advantage. He had the more hope that their Lordships would sanction the measure because the Acts relating to the two last-named countries had been found to reconcile two classes of persons whose interests had been previously antagonistic, the upper and the lower proprietors of fisheries, who now found it their interest to co-operate in the preservation of the breed of salmon. In Ireland, up to the year 1842, there had been continual disputes arising from the uncertainty of the law in regard to the erection of fixed engines; but in that year

their use was, by a Bill introduced by a noble Lord who was now a Member of that House (Earl St. Germans), under certain regulations, made legal. He much regretted that had been done, for it had contributed much to the injury of the salmon fisheries, and had produced a bad state of things in the country; but, at the same time, he must say that the Act was guarded by such restrictions and regulations as, if properly enforced, would have prevented much of the evil effects to which he had referred. The main provisions of the present Bill were that no bag net, or fixed engine, should be placed or allowed to continue in any river or estuary, or otherwise than in the open sea at the distance of more than three statute miles from the mouth, reserving, however, certain rights to the owners of any fixed engines erected before the close of the season of 1862. The power of deciding questions that might arise was intrusted to special Commissioners to be appointed under the Act. The Commissioners were also empowered to inquire into the legality of all fishing weirs. Provision was also made for abating any fishing weir illegally erected. Provisions similar to those of the English Act were made for enforcing and regulating the construction of free gaps, and for regulating the construction of boxes and cribs in fishing-weirs. An appeal was given from the decision of the Commissioners to the Court of Queen's Bench in Ireland. There were also certain miscellaneous provisions, one of which regulated the fishing with nets near mill-dams. There were also important alterations with reference to the annual and weekly close time. The annual close season was extended from 124 days as was provided by the Act of 1842, to 168 days—which was the same as the law enforced in Scotland. The weekly close time was to be from six o'clock on Saturday evening to six o'clock on Monday morning, with this addition, that as regards stake nets, fly nets, and bag nets, the weekly close time was to be from six o'clock on Friday morning to six o'clock on Monday morning. The close season for angling with rod and line was to be from the 1st of November to the 1st of February, but was to be permitted during the remainder of the year. Additional licence duties were put on fixed engines. The Bill also provided for the appointment and salaries of Commissioners and the necessary officers, and there were also provisions for penalties for the infringement of the several enactments. These were the principal provisions of the Bill,

*Lord Stanley of Alderley*

which he trusted would be accepted by their Lordships, and would prove as beneficial to Ireland, as the analogous Acts had proved to the fisheries of the sister kingdoms.

*Moved*, That the Bill be now read 2<sup>d</sup>:  
(*Lord Stanley of Alderley.*)

LORD CHELMSFORD said, he had not the slightest personal interest in the question to which the Bill related, and had no connections who were; but having been requested by parties who had an interest in it to present a Petition against certain provisions of the measure, he had deemed it to be his duty to consider them carefully, and that, having done so, he had come to the conclusion that they would operate as an unjustifiable invasion of private rights. The noble Lord (Lord Stanley of Alderley), he might add, was under some misapprehension in attributing the origin of the rights which were to be taken away to the Act of 1842. Prior to that Act rights of fishing existed, founded either on prescriptive title or on grants from the Crown, by means of standing weirs, stake nets, and bag nets;—though it was true that bag nets had not been introduced into the Irish fisheries until early in the present century. The noble Lord had stated that the right to use these means of fishing originated in the legislation of 1842. The noble Lord was certainly mistaken. The 18th section of the Act of 1842 was a clause declaratory of existing rights, and the 19th section proceeded to create new rights. With regard to the legislation now proposed, at an early part of the Session a Bill was introduced by a private Member (Mr. M'Mahon), and the Government then declared their determination to protect existing rights. That Bill, however, was dropped by the Member who introduced it, and the present Bill was taken up by the Government, though it was then in a very different shape. This Bill was discussed at several morning sittings in very thin Houses, and clauses which would seriously encroach on private rights were forced upon the Government. One clause provided that bag nets should not be used within three miles from the mouth of any river or estuary, and he was told that the effect would be to annihilate bag net fishing in Ireland. Another clause declared it unlawful to use stake nets where they were not in use on the 1st of January 1863; so that the owners of fisheries who had been using bag nets could not revert to the use of stake nets.

## LOCAL AND PERSONAL ACTS—26 & 27 VICT.

- York* to construct and maintain an improved System of Waterworks for the Supply of the District and adjacent Places with Water; and for enabling the Board to purchase the existing Markets and Fairs within the District, and to establish new Markets and Fairs within the District, and to purchase and extinguish Dues and Duties paid and collected within the Town of *Rotherham*; and for amending Acts relating to the District; and for other Purposes.
- cxviii. An Act for making a Railway from the *London and South-western* Railway to *Seaton*, otherwise *Seaton-with-Beer*, in the County of *Devon*; and for other Purposes.
- cxix. An Act for the Consolidation of the Acts relating to the Port and Harbour of the Town and County of *Southampton*, and of the Acts relating to the *Southampton* Pier, and for constituting One United Body or Harbour Board for such Port, Harbour, and Pier, with further Powers.
- cxx. An Act for the Amalgamation of the *Swansea and Neath* Railway Company with the *Vale of Neath* Railway Company, and for authorizing the *Vale of Neath* Railway Company to make a further Line of Railway, and to raise further Monies; and for other Purposes.
- cxxi. An Act for the Improvement of *Blackrock*, *Monkstown*, and *Boooterstown* in the Baronies of *Dublin* and *Rathdown* and County of *Dublin*.
- cxixii. An Act for the Amalgamation of the *Stockton and Darlington* Railway Company with the *North-eastern* Railway Company; and for other Purposes.
- cxixiii. An Act to grant further Powers to the *Belfast, Holywood, and Bangor* Railway Company, and to extend the Time for the Completion of their Undertaking; to authorize Contributions towards a Quay and other Works at *Bangor*; and for other Purposes.
- cxixiv. An Act to enable the *Devon Valley* Railway Company to create Preference Shares; to reduce the Capital of the Company; and for other Purposes.
- cxixv. An Act to create a further Term in so much of the *Newcastle-upon-Tyne and Carlisle* Turnpike Road as is within the County of *Northumberland*; to repeal, amend, and extend the Powers of the Act relating to the said Road; and for other Purposes.
- cxixvi. An Act to enable the *Merthyr, Tredegar, and Abergavenny* Railway Company to raise an additional Sum of Money, and to execute further Works; and for other Purposes.
- cxixvii. An Act to authorize the *Leominster and Kington* Railway Company to enter into Working Arrangements with, and to lease or sell their Railway to the *West Midland* Railway Company; and for other Purposes.
- cxixviii. An Act to authorize the Construction of a Railway in the County of *Anglesey*, to be called "*The Anglesey Central Railway*;" and for other Purposes.
- cxixix. An Act for authorizing the *Okehampton* Railway Company to extend their Railway from *Okehampton* to the *Launceston and South Devon* Railway near *Lidford*, and to raise further Monies; and for other Purposes.
- cxixxx. An Act to enable the *Dulas Valley Mineral* Railway Company to deviate Portions of their authorized Line; to make a Railway to *Brecon*; to change the name of the Company; and for other Purposes.
- cxixxi. An Act to grant further Powers to the *Watford and Rickmansworth* Railway Company.
- cxixxii. An Act for making a Railway from the *Bristol and Birmingham* Line of the *Midland* Railway at *Stonehouse* to *Nailsworth* in the County of *Gloucester*.
- cxixxiii. An Act to extend the Time for the Completion of the *Athenry and Ennis Junction* Railway; and for other purposes.
- cxixxiv. An Act to empower the *Ringwood, Christchurch, and Bournemouth* Railway Company to extend their Railway to *Bournemouth*; and for other purposes.
- cxixxv. An Act to extend the Term and amend the Provisions of the Act relating to the Turnpike Road from *Wakefield* to *Aberford* in the County of *York*.
- cxixxvi. An Act to grant further Powers to the *West Midland* Railway Company, and to enable them to make a Branch Railway in the County of *Glamorgan*; and for other purposes.
- cxixxvii. An Act to enable the *London, Brighton, and South Coast* Railway Company to make a Railway from *Dorking* to *Leatherhead*; and for other Purposes.
- cxixxviii. An Act to authorize the *Mid-Kent* Railway Company to raise a further Sum of Money.
- cxixxix. An Act to authorize the Construction of Railways in *Glamorganshire*, to be called "*The Ognore Valley Railways*."
- cxl. An Act to alter and amend the Acts relating to the Lands Improvement Company.
- cxli. An Act for authorizing the *Aberystwith and Welsh Coast* Railway Company to make and maintain further Lines of Railway and other Works, and to make arrangements with other Companies, and to raise further Monies; and for other Purposes.
- cxlii. An Act to enable the *London, Brighton, and South Coast* Railway Company to make Extensions and Alterations of their Railways authorized by "*The London, Brighton, and South Coast* Railway (New Lines) Act, 1862," and other Works; and for other Purposes.
- cxliiii. An Act to authorize the *Tendring Hundred* Railway Company to extend their railway to *Weeley and Walton* in *Essex*.
- cxliiv. An Act to enable the *Tees* Conservancy Commissioners to purchase additional Lands; to alter existing and impose new Tolls, Rates, and Duties; to confer additional Powers for raising Money; to repeal and amend the existing Acts of the Commissioners; to confer additional Powers; and for other Purposes.
- cxlii. An Act to enable the *West Shropshire Mineral* Railway Company to make a deviation and a New Railway, and to make Agreements with other Companies; and for other Purposes.
- cxlii. An Act to enable the *South Yorkshire* Railway and River *Dun* Company to alter their authorized Line; to purchase the *Barnsley Coal* Railway; and for other Purposes relating to the same Company.
- cxlii. An Act to grant to the *Great Northern* Railway Company certain Powers with respect the *Stockport and Woodley Junction*, *Cheshire Midland*, *Stockport*, *Timperley*, and *Altrincham Junction*, *West Cheshire*, and *Manchester South Junction* and *Altrincham* Railways; and for other Purposes.
- cxlii. An Act to enable the *Glasgow and South-western* Railway Company to use the Railway

- of the *Ayr and Maybole Junction Railway Company*, and for other Purposes relating to that Railway.
- exlix. An Act to enable the *Scottish Central Railway Company* to make Branches to *Plean Mineral Fields*; and for other Purposes.
- cli. An Act to repeal an Act passed in the Seventh and Eighth Years of the Reign of His Majesty King *George the Fourth*, intituled *An Act for more effectually repairing and improving the Road from Standedge in Saddleworth in the County of York to Oldham in the County of Lancaster, and other Roads in the said County of York, and for making and maintaining Two new Branches to communicate therewith*, and granting more effectual Powers in lieu thereof; and for other Purposes.
- cli. An Act for enabling the *Great Western Railway Company* to construct a Railway from their *Birmingham, Wolverhampton, and Dudley Line* in the Parish of *West Bromwich* to the *South Staffordshire Railway* in the Parish of *Tipton* in the County of *Stafford*; and for other Purposes.
- clii. An Act for making a Railway from the *London and North-western Railway at Boxmoor to Hemel Hempstead* in the County of *Hertford*; and for other purposes.
- cliii. An Act to grant further Powers to the *Portadown, Dungannon, and Omagh Junction Railway Company*; to amend the Acts relating to the Company; and for other Purposes.
- cliv. An Act for regulating the Debenture Debt and Capital of the *West Hartlepool Harbour and Railway Company*; and for other Purposes.
- clv. An Act to repeal an Act passed in the Fourth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act for repairing the Roads from the Borough of Tamworth in the Counties of Stafford and Warwick to the Town of Ashby-de-la-Zouch in the County of Leicester, and from Harrington Bridge (heretofore Sawley Ferry) in the said County of Leicester to a Turnpike Gate at or near the End of Swarcliffe Lane leading to Ashby-de-la-Zouch aforesaid*; and for granting more effectual powers in lieu thereof.
- clvi. An Act for continuing the Term and amending and extending the Provisions of the Act relating to the Road from the Bottom of *Kirkgate* to the Bottom of *Westgate*, both in the Parish of *Wakefield* in the West Riding of the County of *York*, and to make other Provisions in lieu thereof.
- clvii. An Act to enable the *Glasgow and South-western Railway Company* to make a Junction Line of Railway to connect the *Glasgow and Paisley Joint Line of Railway* with the *Paisley and Renfrew Railway* and other Works; and for other Purposes.
- clviii. An Act to authorize the *North Staffordshire Railway Company* to make certain Railways at *Burton-upon-Trent*, and from their Railway at *Burslem* to their Railway at *Cheddleton*, and to acquire Station Lands at *Burton and Uttoxeter*; and for other Purposes.
- clix. An Act for incorporating "The *Teign Valley Railway Company*," and for authorizing them to make and maintain "The *Teign Valley Railway*;" and for other Purposes.
- clx. An Act to authorize the Construction of a Railway from the *Midland Great Western Railway of Ireland* to the Town of *Ballaghaderreen*; and for other Purposes.
- clxi. An Act for enabling the *Law Life Assurance Society* to sue and be sued in their own Name; and for making further Provision with respect to the Investment of their Monies; and for other Purposes.
- clxii. An Act to enable the *Galway Town Improvement Commissioners* to construct Waterworks, and obtain a Supply of Water for the Town of *Galway*; and for other Purposes.
- clxiii. An Act to revive the Powers for the Purchase of Lands, and to extend the Time for the completion of Works, authorized by "The *Milford Haven Dock and Railway Act, 1860*;" and for other Purposes.
- clxiv. An Act to authorize the *Great North of Scotland Railway Company* to construct a Railway to connect their Railway with the *Scottish North-eastern Railway at Aberdeen*.
- clxv. An Act to enable the *Metropolitan Railway Company* to acquire certain additional Lands for the Purposes of their Undertaking; and for other Purposes.
- clxvi. An Act to enable the *Carmarthen and Cardigan Railway Company* to extend their Railway from *Newcastle-Emlyn to Cardigan*.
- clxvii. An Act to enable the *Bradford, Wakefield, and Leeds Railway Company* to make a Railway to *Methley* in the West Riding of the County of *York*; and for other Purposes.
- clxviii. An Act for making a Railway from the *Great Western Railway at Radstock to Bristol*, together with Branches therefrom to *Camerton* and other Places; and for other Purposes.
- clxix. An Act for extending the Limits within which the *Lowestoft Water, Gas, and Market Company* may supply Water and Gas, and for authorizing them to raise further Monies; and for other Purposes.
- clxx. An Act for extending the *Banff, Portsoy, and Strathisla Railway to Portgordon*; and for other Purposes.
- clxxi. An Act for making a Railway from the *Aberdare Railway* in the Parish of *Aberdare* in the County of *Glamorgan*, with a Branch therefrom, to be called "The *Dare Valley Railway*;" and for other Purposes.
- clxxii. An Act to authorize the *Hammer-smith and City Railway Company* to make another Junction with the *Great Western Railway*; and for other Purposes.
- clxxiii. An Act to extend the Time for making the *Usbridge and Rickmansworth Railway*.
- clxxiv. An Act for incorporating a Company for making a Railway in the Counties of *Warwick, Stafford*, and in the City and County of the City of *Lichfield*, to be called "The *Birmingham and Sutton Coldfield Extension Railway*;" and for other Purposes.
- clxxv. An Act to authorize the Construction of a Tramroad from the *South-eastern Railway at Hastings to Hastings Harbour*.
- clxxvi. An Act to provide additional Powers for the Completion of certain Approach Roads to *Wexford Free Bridge*; and for other Purposes.
- clxxvii. An Act to empower the *London and North-western Railway Company* to make new Branch Railways, and to abandon Part of the *Chelford and Knutsford Line* of their Railway; and for other Purposes.
- clxxviii. An Act for making a Railway from the

# LOCAL AND PERSONAL ACTS--26 & 27 VICT.

- Great Eastern Railway at Mistley to Walton-on-the-Naze* in the County of *Essex*; and for other Purposes.
- elxxix. An Act to enable the *Bala and Dolgelly Railway Company* to construct additional Works at *Dolgelly* in the County of *Merioneth*; to amend the Acts relating to the Company; and to authorize certain Arrangements with the *Aberystwith and Welsh Coast Railway Company*; and for other Purposes.
- elxxx. An Act for incorporating the *Frieston Reclamation Company*; and for authorizing them to reclaim certain Lands in the Estuary of the *Wash*; and for other Purposes.
- elxxxi. An Act for authorizing the *Madras Irrigation and Canal Company* to keep separate Accounts; and for other Purposes.
- elxxxii. An Act for the Construction by the *Midland Railway Company* of a new Railway in the City of *Bristol*; and for other Purposes.
- elxxxiii. An Act for enabling the *Midland Railway Company* to construct new Railways and Works, and to acquire additional Lands in the West Riding of the County of *York*, and in the Counties of *Derby*, *Warwick*, *Leicester*, *Gloucester*, the City of *Worcester*, *Nottingham*, the Town of *Nottingham*, and *Northampton*; and for other Purposes.
- elxxxiv. An Act to enable "The Trustees of *Newhaven Harbour and Ouse Lower Navigation*" to form a new Cut for diverting the Channel of the River *Ouse*, and to construct a Road, Tramway, and other Works for the Improvement of the said Harbour and Navigation; and for other Purposes.
- elxxxv. An Act for making Railways from the *Worcester and Hereford Line* of the *West Midland Railway Company* through the *Forest of Dean* to the *Coleford*, *Monmouth*, *Usk*, and *Pontypool Railway*; and for other Purposes.
- elxxxvi. An Act to enable the *Cole Valley and Hulstead Railway Company* to increase their Capital, to use Part of the *Great Eastern Railway* at *Haverhill*; and for other Purposes with respect to the same Company.
- elxxxvii. An Act to authorize the *Edinburgh Water Company* to introduce an additional Supply of Water to the City of *Edinburgh* and Town and Port of *Leith* and Places adjacent; and for other Purposes.
- elxxxviii. An Act to enable the *Banff, Macduff, and Turriff, Extension Railway Company* to extend their Railway from the Bridge of *Banff* to the Harbour of *Macduff*; and for other Purposes.
- elxxxix. An Act to authorize the *Formartine and Buchan Railway Company* to abandon the authorized Extension to *Fraserburgh*, and to make another Line instead thereof; also to make a new Road in connection with the *Peterhead Extension*; and for other Purposes.
- cx. An Act to amend "The *Great Eastern Railway Act, 1862*," and to confer Powers in reference to the Undertakings of the *Great Eastern*, the *Waveney Valley*, the *Lynn and Hunstanton*, and the *Bishop Stortford, Dunmow, and Braintree Railways*; and for other Purposes.
- cxci. An Act to enable the *Great Northern Railway Company* to extend their Railway from *Spalding* to the *Great Eastern Railway* at *March* in *Cambridgeshire*.
- cxcii. An Act to enable the *London, Brighton, and South Coast Railway Company* to make a new Line of Railway at *Croydon*, and a Tramway at *Newhaven*; to acquire additional Lands; and for other Purposes.
- cxci. An Act to amend "The *Lynn and Sutton Bridge Railway Act, 1861*."
- cxci. An Act to authorize the *North British Railway Company* to raise more Money; and an Amalgamation with them of the *Wansbeck Railway Company*; and for other Purposes.
- cxci. An Act for making a Railway from a Point near to *Eskbank Station* on the Line of the *Hawick Branch* of the *North British Railway* to *Springfield* in the Parish of *Lasswade* and County of *Edinburgh*, to be called "The *Esk Valley Railway*;" and for other Purposes.
- cxci. An Act to enable the *Brecon and Merthyr Tydfil Junction Railway Company* to make a Deviation from the Line of Railway first authorized by "The *Brecon and Merthyr Railway Act, 1862*," and to improve the Access to their *Brecon Station*; and for other Purposes.
- cxci. An Act for making and maintaining Bridges over the River *Thames* at *Hampton* and *Shepperton*; and for other Purposes.
- cxci. An Act for the Amalgamation of the *South Wales Railway Company* with the *Great Western* and *West Midland Railway Companies*; and for other Purposes.
- cxci. An Act for incorporating a Company, and for making and maintaining the *Ely Valley Extension Railway*; and for other Purposes.
- cc. An Act to revive the Powers for the Purchase of Land, and for the Completion of the *Milford Railway*, and to raise further Capital, and to authorize Agreements with other Companies; and for other Purposes.
- cc. An Act for making a Railway from *Defynnock* to *Llandovery*; and for other Purposes.
- cc. An Act for making a Railway to complete the connection between the *Brecon and Merthyr Tydfil Junction Railway* and the *Rumney Railway*; for enabling the *Brecon and Merthyr Tydfil Junction Railway Company* to acquire the *Rumney Railway*; for facilitating the Transmission of Traffic over, from, and at the *Rumney Railway*; and for other Purposes.
- cc. An Act to enable the *Kettering and Thrapstone Railway Company* to extend their authorized Line of Railway to *Huntingdon*, with a Branch Railway at *Huntingdon*; to change their Name; to authorize them to use certain Stations and Portions of Railway of the *Great Eastern Railway Company* and the *Great Northern Railway Company*; and to make Traffic Arrangements with the *Midland Railway Company* and the *Great Northern Railway Company*; and for other Purposes.
- cc. An Act to enable the *London, Chatham, and Dover Railway Company* to extend their Railway to *Greenwich*; to improve the Communication with the *Victoria Station*; and to execute certain other Works in connection with their Undertaking.
- cc. An Act for authorizing the *Tottenham and Hampstead Junction Railway Company* to make and maintain an additional Line of Railway, and to raise further Monies; and for other Purposes.
- cc. An Act for the better Regulation of the Traffic in the Streets of the City of *London*, and for the Prevention of Obstructions therein.
- cc. An Act for making and maintaining Rail-

- ways from *Birkenhead* and *Poulton-cum-Sea-combs* to *Hoylake* in the County of Chester.
- ccviii. An Act for increasing the Capital of and conferring further Powers on the *West London Extension Railway Company*; amending their Acts; providing for the Dissolution of the *West London Railway Company*; and for other Purposes.
- ccix. An Act for the Amalgamation of the *Hibernian Mine Company* with the *Wicklow Copper Mine Company (Limited)*; and for other Purposes.
- ccx. An Act to enable the *Morayshire Railway Company* to raise additional Capital; and for other Purposes.
- ccxi. An Act to incorporate a Company for making a new Bridge from *Putney* to *Fulham*; and for other Purposes.
- ccxii. An Act to amend the Act and enlarge the Powers of *Bonelli's Electric Telegraph Company (Limited)*.
- ccxiii. An Act to authorize the Construction of Railways and other Works for improving the Railway Communication between *Edinburgh* and *Perth* *viâ* the *Firth of Forth*; and for other Purposes.
- ccxiv. An Act for more effectually making, maintaining, and keeping in repair the Roads, Highways, and Bridges within the Counties of *Elgin* and *Nairn*; and for other Purposes.
- ccxv. An Act for repairing, amending, and maintaining the Public Roads and Bridges in the County of *Haddington*.
- ccxvi. An Act for making a Railway from the Town of *Hadlow* in the County of *Kent* to the *Sevenoaks*, *Maidstone*, and *Tunbridge* Railway in the Parish of *Ightham* in the aforesaid County; and for other Purposes.
- ccxvii. An Act for conferring additional Powers on the *London and North-western Railway Company* for the Construction of Works, and otherwise in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.
- ccxviii. An Act to enable the *London, Brighton, and South Coast Railway Company* to make new Lines of Railway to *Mitcham*, *Sutton*, and *Tooting*, in *Surrey*, and to connect the same with other Railways; and for other Purposes.
- ccxix. An Act for authorizing the Construction of a Dock and Railways and other Works upon or near *Neyland Pill* at *Milford Haven* in the County of *Pembroke*; and for other Purposes.
- ccxx. An Act to authorize the Construction of a Railway in the County of *Northampton*, to be called "*The Northampton and Banbury Junction Railway*;" and for other Purposes.
- ccxxi. An Act to enable the *North-eastern Railway Company* to construct Branch Railways at *Newcastle-upon-Tyne* and *Starbeck*; and for other Purposes.
- ccxxii. An Act for making a Railway from *Peterborough* to *Thorney*, *Wisbeach*, and *Sutton*; and for other Purposes.
- ccxxiii. An Act to vest the Undertaking of the *Dundee and Perth* and *Aberdeen Railway Junction Company*, and their Interest in the *Dundee and Newtyle Railway*, in the *Scottish Central Railway Company*; and for other Purposes.
- ccxxiv. An Act to enable the *Waterford and Passage Railway Company* to extend their Railway to the South-west Shore of the Estuary of the River *Suir* at *Passage*, and in connection therewith to establish, make, and maintain Ferries on or across the said Estuary; and for other Purposes.
- ccxxv. An Act to authorize the *Great Eastern Railway Company* to run Steam Vessels between *Harwich* and certain Foreign Ports.
- ccxxvi. An Act to authorize the *North British Railway Company* to run Steam Vessels between *Port Carlisle* and *Silloth* and *Belfast*.
- ccxxvii. An Act to confer further Powers on the *London, Brighton, and South Coast Railway Company* with reference to the widening and Improvement of the *Pimlico Railway*; and for other Purposes.
- ccxxviii. An Act to incorporate a Company for constructing Docks, Warehouses, and other Works in the Parish of *Saint Mary, Battersea*, in the County of *Surrey*.
- ccxxix. An Act to authorize the Construction of a Railway from *Newry* to *Carlingford Lough*, and of a Pier and other Works in connection therewith.
- ccxxx. An Act for making a Railway from the *West Cornwall Railway* at or near *Saint Erth* to the Town of *Saint Ives* in the County of *Cornwall*; and for other Purposes.
- ccxxxi. An Act to unite and amalgamate the Undertaking of the *Dundee and Arbroath Railway Company* with the Undertaking of the *Scottish North-eastern Railway Company*, and to regulate the Management of and confer additional Powers on the united Company; and for other Purposes.
- ccxxxii. An Act for changing the Name of the *Isle of Wight Eastern Section Railway Company*, and for authorizing them to make and maintain Railways (the Central Lines) in Extension of their authorized Railways (the Eastern Lines), and to raise Monies for the Purpose, and to make Arrangements with other Companies; and for other Purposes.
- ccxxxiii. An Act for making a Railway from the *Irish North-western Railway* at *Dundalk* to *Greenore* in the County of *Louth*; and for other Purposes.
- ccxxxiv. An Act for incorporating a Company for making a Railway from the *Sidmouth Railway*, near *Tipton*, to *Budleigh-Saltorton*; and for other Purposes.
- ccxxxv. An Act for making Railways in the County of *Northumberland* from the *Wansbeck Railway* in the Parish of *Hartburn* to the Parish of *Ford*, and thence to the *Berwick and Kelso Branch* of the *North-eastern Railway*; and for other Purposes.
- ccxxxvi. An Act to empower the *Irish North-western Railway Company* to extend their Railway along the Quays of *Dundalk*; and for other Purposes.
- ccxxxvii. An Act to authorize the *Edinburgh and Glasgow Railway Company* to make a Railway to *South Queensferry*, with subsidiary Branches and Works; and for other Purposes.
- ccxxxviii. An Act to enable the *North-eastern Railway Company* to construct a Railway from the *Hull and Selby Railway* at *Saddlethorpe* to the authorized Line of the *South Yorkshire Railway* near *Thorne*, with Two Branches therefrom; to raise additional Capital; and for other Purposes.

## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. **A**N Act to continue an Act for extending the Time during which the Trustees of the late Sir *Gilbert Stirling* of *Manfield*, Baronet, were authorized to purchase Lands to be entailed in the Terms declared by certain Trust Deeds executed by him; and for other Purposes.
2. An Act for making Provision with respect to the Interests of *Sir Henry Meux*, Baronet, in the Business of the *Horse Shoe* Brewery.
3. An Act to modify the Condition of Residence at *Haverholme Priory* contained in the Will of the late Sir *Jenison William Gordon*, Baronet, in so far as such Condition affects the present or any future Infant Tenant in Tail under the Limitations of the same Will.
4. An Act for a Re-settlement of Estates devised by the Will of the Right Honourable Sir *Arthur Ingram Aston* deceased.
5. An Act to amend "The *Fife* Estates Improvement Act, 1858;" to authorize the Exchange of the entailed Estate of *Ardgye* in the County of *Elgin* for the Lands of *Westerton* in the same County, to be entailed in lieu thereof; and for other Purposes.
6. An Act for enabling Agricultural Leases to be granted of the Estates called the *Bolton* Estates, entailed by an Act of the Twenty-seventh Year of the Reign of His Majesty King *Henry* the Eighth; and for enabling, with the sanction of the Court of Chancery, the granting of Building and Mining and Improvement Leases, and for enabling the Partition and Sale of the same Estates.
7. An Act for the better Management of the Estates annexed to the Earldom of *Arundel*; and for the Sale of certain Parts of the same Estates, and for other Purposes, the Short Title whereof is "The *Arundel* Estates Act, 1863."
8. An Act for enlarging and extending the Powers given by "Wyndham's Estate Act, 1854," of or over divers Freehold, Copyhold, and Leasehold Estates devised by or subject to the Limitations of the Will of the Right Honourable *George O'Brien* Earl of *Egremont* deceased.





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TO

## HANSARD'S PARLIAMENTARY DEBATES,

IN THE FIFTH SESSION OF

### THE EIGHTEENTH PARLIAMENT OF THE UNITED KINGDOM.

26° & 27° VICTORIÆ.

1863.

#### EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1°, 2°, 3°, or 1., 2., 3., Read the First, Second, or Third Time.—In Speeches 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

When in this Index a \* is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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1168; Amendt. (*Mr. Puller*), agreed to,

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*Anchors and Chain Cables Bill*

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Bill read 2<sup>o</sup> July 8

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. *cl.* 1 (licences), Amendt. (*Mr. Cave*); Amendt. amended, and agreed to, 844

. Amendt. to insert "not being manufacturers of anchors or chain cables" (*Mr. Turner*), 847; After short Debate, A. 60, N. 30, M. 30; Words added

*cl.*, as amended, agreed to

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. *cl.* 2 (Testor to test in order, and impress proof mark) agreed to, 849

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. Considered in Committee July 16

After short Debate, Motion made, "That the Chairman do report Progress" (*Mr. Ayrton*)—A. 20, N. 27, M. 7, 939

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. Considered in Committee July 20

*cl.* 1 and 2 agreed to

. *cl.* 3 (Charges for testing), 1136; Question, "That the Clause, as amended, stand part of the Bill"—A. 25, N. 34, M. 9; *cl.* struck out

*cl.* 4 and 5 agreed to

. *cl.* 6 (Inspector to be appointed by Board of Trade), 1136; After short Debate, Question, "That the Clause stand part of the Bill"—A. 27, N. 31, M. 4; *cl.* struck out

*cl.* 7 agreed to; *cl.* 8 struck out

. *cl.* 9 (Vessels to be equipped with stamped anchors and cables), 1137

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[No Report]

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*Aldershot Camp*, Question, Colonel Crichton Stuart; Answer, The Marquess of Hartington, [172] 1180  
*Armstrong, Sir William, Resignation of*, Question, Mr. Laird; Answer, Sir George Lewis, [169] 571  
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169] l. Read 1<sup>a</sup>, after long Debate, March 26,  
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170] Bill read 2<sup>a</sup>, after long Debate, and referred  
to a Select Committee, March 27, 6  
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Report \* May 5 (*Parl. P.* No. 91)  
• Committee May 8, 1394; Report \* May 11  
• Read 3<sup>a</sup>, and passed, May 15, 1765  
• Observations, Lord Brougham, 1923  
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172] Motion, "That the Bill be now read 2<sup>o</sup>"  
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day two months" (*Mr. Barnes*), 497; After  
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• cl. 5 (Purchasers may pay the Money into  
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1155; Amendt. agreed to; cl. agreed to  
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• cl. 31 (Remuneration to Secretary of Pre-  
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- c. Read 1<sup>o</sup> \* March 6; 2<sup>o</sup> \* April 16 [Bill 54]
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- Considered as amended \* April 28
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- l. Read 1<sup>o</sup> \* (Lord Stanley of Alderley) April 30
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- c. Read 1<sup>st</sup> (*Mr. Chichester Fortescue*) *May* 19  
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*Chairman of Committees* (LORDS)

The Lord Redesdale appointed, *Nomine Dissentiente*, to take the Chair of all Committees of this House for this Session, *Feb.* 5

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(*Mr. Hassard, Mr. Longfield*)

Ordered \* July 2

Read 1<sup>o</sup> \* July 3 [Bill 904]

**Charitable Uses Bill**

(*Mr. Solicitor General, Mr. Attorney General, Sir G. Grey*)

c. Read 1<sup>o</sup> \* June 11 [Bill 164 & 275]

Read 2<sup>o</sup> (*Solicitor General*) June 15, [171] 965

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l. Read 1<sup>o</sup> \* June 22 (*Lord Chancellor*) (No. 152)

Read 2<sup>o</sup> \* July 21

Committee and Report \* July 24

Read 3<sup>o</sup> \* July 25

Royal Assent July 28 [26 & 27 *Vict.*, c. 106]

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- Question, Mr. Ferrand; Answer, Sir G. Grey, [171] 699;—*Steam Boiler Explosions*, Question, Mr. Ferrand; Answer, Mr. H. A. Bruce, [172] 870

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- Observations, The Earl of Shaftesbury, [172] 1331

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- British Officers in China, Services of*, Question, Colonel Sykes; Answer, Mr. Layard, [169] 187;—Question, Lord Naas; Answer, Sir George Grey, [170] 1951;—Question, Mr. Liddell; Answer, The Marquess of Hartington, [171] 4

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- Naval Aid to*, Question, Mr. Addington; Answer, Lord C. Paget, [169] 1607

- Prize Money for Expedition of 1860*, Question, Col. W. Stuart; Answer, Sir G. Lewis, [169] 966

- Relations with*, Amendment on Committee of Supply (May 16)—Address for Correspondence (Mr. Liddell), [170] 1783; After Debate, Amendt. negatived, 1799;—Observations, Lord Naas, [172] 270; Reply, Mr. Layard, 301

- Russia, Aid from*, Question, Col. Sykes, [169] 342

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- Trade with*, Question, Mr. Liddell; Answer Mr. Layard, [172] 874  
*Votes of Credit for*, Question, Sir Stafford Northcote; Answer, The Chancellor of the Exchequer, [170] 1951; *Parl. P.* 175  
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**Church Building Acts**

- Question, Mr. Henry Seymour; Answer, The Solicitor General, [169] 1066

**Church Building and New Parishes Acts Amendment Bill**

(Mr. Solicitor Gen., Mr. Attorney Gen.)

- c. Read 1<sup>o</sup> April 20, [170] 463 [Bill 89]  
 Motion, "That the Bill be now read 2<sup>o</sup>," 1573;  
 After short Debate, agreed to; Bill read 2<sup>o</sup>, and committed to a Select Committee May 11  
 Committee:—Mr. Solicitor General, Mr. Cardwell, Lord J. Manners, Mr. Walpole, Mr. Paller, Mr. H. Seymour, Mr. G. Hardy, Sir W. Heathcote, Mr. Walter, Mr. R. Mills, Mr. Mowbray, Mr. Locke, Mr. Hunt, Mr. F. S. Powell, and Mr. Serjeant Pigott  
 Reported \* July 22 [Bill 260]  
 Bill withdrawn \* July 24  
 Parl. Papers—Commons . . . Bill 82  
 Report from Select Committee . . No. 483  
 Special Report of Committee . . No. 482  
 As amended by Select Comm. . . Bill 260

**Church Rates**

- Question, Mr. Hopwood; Answer, Sir George Grey, [169] 342

**Church Rates Abolition Bill**

(Sir John Trevelyan, Sir Charles Douglas, Mr. Dillwyn)

- c. Read 1<sup>o</sup> Feb. 6, [169] 176 [Bill 2]  
 Motion, "That the Bill be now read 2<sup>o</sup>," [170] 926; Amendt. "upon this day six months" (Mr. G. Hardy), 932; Question put, "That the word 'now' &c."—A. 275, N. 285, M. 10, April 29  
 Bill put off for six months  
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**Church Rates Commutation**

- Explanation, Mr. Newdegate, [169] 238

**Church Rates Commutation Bill**

(Mr. Newdegate, Lord R. Montagu)

- c. Read 1<sup>o</sup> Feb. 11 [Bill 14]  
 Motion, "That the Bill be now read 2<sup>o</sup>," May 16, [170] 1247; Amendt. "upon this day six months" (Sir C. Douglas), 1263; After long Debate, Question put, "That the word 'now' &c."—A. 56, N. 94, M. 38  
 Bill put off for six months  
 Division List—Ayes and Noes, 1272

**Church Rates Recovery Bill**

(Lord Alfred Churchill, Mr. Joseph Ewart)

- c. Ordered, after short Debate, July 7, [172] 364  
 Read 1<sup>o</sup> July 10 [Bill 224]  
 Bill withdrawn \* July 20

*Church Rates Redemption Bill*

(*Mr. Alcock, Mr. Evans*)

- c. Read 1<sup>o</sup> Feb. 10 [Bill 12]  
 170] Motion, "That the Bill be now read 2<sup>o</sup>,"  
 1273; After short Debate, on Question  
 A. 72, N. 81, M. 9, April 29  
 . Motion, "That the Church Rates Redemption  
 Bill be read a second time upon Wednesday  
 the 10th day of June next," May 13, 1687;  
 After Debate, on Question—A. 25, N. 39,  
 M. 14.—See *SPEAKER, Mr.*—*Motion*

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- Church Rates Abolition, 2R. [170] 970  
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 Consid. cl. 23, Amendt. [170] 118; 3R.  
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- Duchy of Cornwall Management, Comm. [171]  
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- Question, Viscount Raynham; Answer, Vis-  
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*Circuit Regulation Commission*

- Question, Mr. Arthur Mills; Answer, Sir  
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*Circuits, Arrangement of the*

- Question, Mr. M'Mahon; Answer, The Attor-  
 ney General, [169] 496;—Question, Mr. Had-  
 field; Answer, The Attorney General, [171]  
 1617;—Resolution (*Mr. M'Mahon*), 1000;—  
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- Northern Circuit, Division of the*, Question,  
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*Cirencester, Collectors of Taxes in*

- Question, Mr. J. J. Powell; Answer, Mr.  
 Peel, 1469

*Civil Bill Courts (Ireland) Bill*

(*Sir Robert Peel, Mr. Attorney General*)

- c. Read 1<sup>o</sup> May 19 [Bill 138]  
 171] Read 2<sup>o</sup>, after Debate, June 17, 1021  
 . Motion, "That the Bill be committed to a Com-  
 mittee of the Whole House," 1028; Amendt.  
 "to a Select Committee" (*Mr. Longfield*),  
 1028; Question, "That the words proposed  
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*Civil Service Competitions*

- Amendment on Committee of Supply (*July 17*)  
 —Motion for an Address (*Mr. Hennessy*),  
 [172] 953; After long Debate, Question put,  
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*Clergy Discipline*

Question, Mr. F. S. Powell; Answer, Sir G. Grey, 1279

*Clergymen (Colonies) Bill* [H.L.]

(*The Duke of Newcastle*)

1. Read 1<sup>st</sup> \* July 10; 2<sup>nd</sup> \* July 14 (No. 205)  
Committee and Report \* July 17 (No. 228)  
Read 3<sup>rd</sup> \* July 20  
e. Read 1<sup>st</sup> \* July 20; 2<sup>nd</sup> \* July 21 [Bill 251]  
Committee and Report \* July 23  
Considered as amended \* July 23  
Read 3<sup>rd</sup> \* July 24  
Royal Assent July 28 [26 & 27 Vict. c. 121]

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*CLIFFORD, Mr. C. C., Isle of Wight*

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*CLIFTON, Sir R. J., Nottingham*

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*CLIVE, Mr. G., Hereford*

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*COBBETT, Mr. J. M., Oldham*

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*COBBOLD, Mr. J. C., Ipswich*

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*COBDEN, Mr. R., Rochdale*

"Alexandra," Seizure of the, [170] 733  
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l. Read 1<sup>st</sup> July 13; 2<sup>nd</sup> July 14 (No. 213)

Committee and Report July 16

Read 3<sup>rd</sup> July 17

c. Read 1<sup>st</sup> July 17; 2<sup>nd</sup> July 20 [Bill 250]

Committee and Report July 22

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l. Read 1<sup>st</sup> July 6 (No. 189)

Read 2<sup>nd</sup> July 9

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Read 3<sup>rd</sup> July 13

c. Read 1<sup>st</sup> July 14 [Bill 237]

Read 2<sup>nd</sup> July 17

Committee and Report July 20

Read 3<sup>rd</sup> July 21

Royal Assent, July 28 [26 & 27 Vict., c. 76]

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Miller) April 28, [170] 876; After long De-  
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(Mr. Milner Gibson, Mr. Hunt)

c. Ordered July 2

Read 1<sup>st</sup> July 3; 2<sup>nd</sup> July 6 [Bill 209]

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l. Read 1<sup>st</sup> (Lord Stanley of Alderley) July 20

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Committee and Report July 24

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c. Read 1<sup>o</sup> \* March 13; 2<sup>o</sup> \* March 16

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l. Read 1<sup>o</sup> \* March 19; 2<sup>o</sup> \* March 20 (No. 46)

Committee and Report \* March 24

Read 3<sup>o</sup> \* March 24

Royal Assent March 27 [26 & 27 Viet., c. 6]

*Consolidated Fund (£20,000,000) Bill*

c. Read 1<sup>o</sup> \* April 27; 2<sup>o</sup> \* April 28

Committee and Report \* April 30

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l. Read 1<sup>o</sup> \* (The Lord President) May 5

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Read 3<sup>o</sup> \*, and passed, May 8

Royal Assent May 11 [26 & 27 Viet., c. 15]

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(Mr. Massey, Mr. Chancellor of Exchequer, Mr. Peel)

c. Read 1<sup>o</sup> \* July 20

172] Read 2<sup>o</sup> July 21, 1149

Committee and Report \* July 23

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l. Read 1<sup>o</sup> \* (The Lord President) July 23

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*Remission of Sentences*, Address for Returns (The Duke of Marlborough); Motion withdrawn, [169] 558

*Tickets of Leave*, Return presented, Parl. P. 6;—*Case of the Convict Gilbert*, Question, The Earl of Malmesbury; Answer, Earl Granville, [169] 256; Explanation, Earl Granville, 475

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*Burton, The Chatham Murderer*, Question, Mr. Blake; Answer, Sir G. Grey, [170] 101

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- Address for Correspondence (*Mr. Cave*), [169] 1813; After Debate, withdrawn

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- Drainage of Land (Ireland)*, 2R. [169] 961
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(*Visct. Raynham, Mr. Dunlop*)

- c. Read 1<sup>o</sup> June 17 [Bill 169]
- Motion, "That the Bill be now read 2<sup>o</sup>" (*Visct. Raynham*) June 30, [171] 1842; Amendt. "upon this day two months" (*Lord E. Hill-Trevor*): After short Debate, Question, "That the word 'now' &c." negatived; Words added
- Main Question, as amended, agreed to; Bill put off for two months

**Corrupt Practices at Elections Bill**

(*Sir G. Grey, Mr. Bruce*)

- 169] c. Read 1<sup>o</sup> Feb. 9, 194 [Bill 8]
- Read 2<sup>o</sup>, after Debate, Feb. 19, 511
- Considered in Committee March 2
- cl. 2, Amendt. (*Mr. Collins*), agreed to, 1002; Amendt. (*Mr. Puller*), after Debate negatived; Amendt. (*Mr. Paget*), negatived, 1004; Motion to omit the Clause (*Mr. Cave*): After Debate, on Question, "That the Clause as amended stand part of the Bill"—A. 103, N. 110, M. 7, 1005; Division List—Ayes and Noes
- cl. 3 amended, and agreed to, 1012
- cl. 5 amended, and agreed to, 1012

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- 169] cl. 8 Amendt. (*Mr. Lygon*); Question put, "That the words 'no person who is called as a witness' stand part of the Clause"—A. 104, N. 96, M. 8, 1013
- Committee report Progress
- Considered in Committee March 19, 1629
- cl. 8, Amendt. (*Sir G. Grey*), 1629; after Debate, Amendt. agreed to; Amendt. (*Sir G. Grey*), agreed to, 1631; Amendt. (*Mr. Hunt*), after Debate, withdrawn; cl., as amended, agreed to
- cl. 9, Amendt. (*Mr. Lygon*), 1633; After Debate, withdrawn; Amendt. (*Mr. Gathorne Hardy*), agreed to, 1634; Amendt. (*Mr. Childers*), negatived, 1634; cl. agreed to
- cl. 11, Amendt. (*Mr. Collins*), 1634; after Debate, withdrawn; Motion to omit the Clause, in order to insert new Clause (*Mr. J. J. Powell*); Question put, "That the Clause stand part of the Bill"—A. 113, N. 48, M. 65; cl. agreed to, 1635
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- Bill reported [Bill 68]
- Considered as amended March 24, 1893
- cl. 17, Amendt. (*Mr. Vance*); Amendt. and cl. withdrawn, 1895
- Read 3<sup>o</sup> March 26
- 170] l. Read 1<sup>o</sup> March 27
- Moved, "That the Bill be now read 2<sup>a</sup>" (*Earl Russell*), 981; After Debate, Bill read 2<sup>a</sup>, April 30
- Moved, "That the House do now go into Committee," May 7, 1288; After Debate, House in Committee
- cl. 1 agreed to
- Amendt. moved, to insert new cl. to follow cl. 1 (*Lord Lyveden*): After Debate, on Question—Contents 51, Not-Contents 66, Majority 14; Amendt. negatived
- Division List—Cont. and Not-Cont. 1286
- cl. 2 to 9 agreed to
- cl. 10, Amendt. moved (*Earl Russell*); After short Debate, agreed to; On Question "That Clause 10, as amended, stand Part of the Bill?" Contents 26, Not-Contents 92; Majority 66, 1288; cl. struck out
- Division List—Cont. and Not-Cont. 1289
- cl. 11 struck out
- Remaining Clauses agreed to
- Report May 11
- Read 3<sup>o</sup>, and passed, May 15
- 171] c. Lords' Amendts. considered June 1, 234; Several Amendts. agreed to [Bill 136]
- Amendt. to leave out Clause 11—Question, "That this House doth disagree with The Lords in the said Amendment"—A. 40, N. 61, M. 21; Amendt. agreed to
- Royal Assent June 8 [26 & 27 Vict., c. 29]
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(Mr. Butt, Mr. Murray)

c. Read 1<sup>o</sup> May 14 [Bill 126]

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*Cotton Mills, Machinery in*, Question, Lord John Manners; Answer, Sir G. Grey, [170] 26

*Cotton Supply*. Amendt. on Comm. of Supply (Feb. 20)—Address for a Royal Commission (Sir Lawrence Palk), [169] 581; After Debate, withdrawn

*Cotton Trade, State of the*, Question, Mr. Ferrand; Answer, Viscount Palmerston, [169] 1052

*Mansion House Committee, The*, Question, Mr. Ald. Solomons; Answer, Mr. W. Cubitt, [170] 774

*Operatives, Employment of*, Question, Mr. Hibbert; Answer, Viscount Palmerston, [170] 776;—*Assisted Emigration of*, Question, Mr. Hibbert; Answer, Lord Clarence Paget, [169] 1069;—Question, Mr. Stanley; Answer, Mr. Villiers, 1324

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*Relief of the*. Resolution (Mr. Ferrand), [170] 776; Amendt. (Mr. Potter), 803; After long Debate, Amendt. and Motion withdrawn;—Question, Mr. Ferrand; Answer, Mr. C. P. Villiers, [170] 1835

*Riots at Staleybridge—The Mansion House Committee*, Question, Col. Wilson Patten; Answer, Sir G. Grey, [170] 12;—Explanation, Mr. Ald. Cubitt; Answer, Sir G. Grey, 27

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Question, Mr. Hennessy; Answer, Mr. Peel, [169] 1395

**Court of Session (Scotland) Bill**

(Lord Advocate, Sir G. Grey)

c. Read 1<sup>o</sup> \* May 8; 2<sup>o</sup> \* June 4 [Bill 116]

Committee and Report \* July 9 [Bill 221]

Bill withdrawn \* July 13

**Courts of Conciliation Bill [H.L.]**

(The Lord Brougham)

l. Read 1<sup>o</sup> June 29, [171] 1594 (No. 171)

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Question, Mr. Longfield; Answer, The Attorney General, [169] 262

**Courts of the Church of Scotland Bill [H.L.]**

(Lord Hamilton)

l. Read 1<sup>o</sup> \* April 14 (No. 65)

Read 2<sup>o</sup>, after short Debate, April 16, [170] 178

Committee and Report \* April 17

Read 3<sup>o</sup> \*, and passed, April 20

c. Read 1<sup>o</sup> \* April 24 [Bill 92]

Read 2<sup>o</sup>, after short Debate, May 4, [170] 1140

Committee and Report \* May 7

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Considered as amended \* June 26

Read 3<sup>o</sup> \* June 30

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[170] 1705; *cl.* 1, Amendt. 1714, 1715,  
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- c. Considered in Committee July 20 [No Report]

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**Disease in Rotherham**

- Question, Mr. Childers: Answer, Sir G. Grey, [169] 1395; *Parl. P. No.* 151

**Diseased Meat, Traffic in**

- Question, Viscount Raynham; Answer, Mr. Lowe, [170] 1774

**Diseases Prevention—Infection in Cabs**

- Question, Mr. Brady; Answer, Sir G. Grey, [169] 185

**Diseases Prevention (Metropolis) Bill**

- (*Dr. Brady, Sir FitzRoy Kelly*)  
*c. Read 1<sup>o</sup> Feb. 26* [Bill 41]  
 Second Reading moved (*Dr. Brady*) March 17, [169] 1590; After Debate, Motion withdrawn; Second Reading deferred

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- Address in Answer to the Speech, [169] 80  
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Question, Mr. Heygate; Answer, Mr. Peel,  
[172] 554

**Drainage of Land (Ireland) Bill**

(Col. Dickson, Col. French, Mr. Hennessy)

a. Read 1<sup>o</sup> Feb. 6, [169] 177 [Bill 7]

Read 2<sup>o</sup> Feb. 11

Committee Feb. 12 [R.P.]

Committee and Report Feb. 16

Considered as amended Feb. 19

Read 3<sup>o</sup> Feb. 20

l. Read 1<sup>o</sup> Feb. 23 (Viscount Lifford) (No. 18)

Read 2<sup>o</sup>, after Debate, March 2, and referred to  
a Select Committee, [169] 960

Committee:—E. Derby, E. Essex, E. Lu-  
can, E. Belmore, V. Lifford, V. Hawarden, L.  
Boyle, L. Ponsonby, L. Digby, L. Wodehouse,  
L. Crofton, L. Somerhill, L. Dartrey, and L.  
Lyveden

Report of Select Committee March 6

Considered in Committee March 13

Amendts. reported April 20, [170] 378

Read 3<sup>o</sup>, after short Debate, and passed, April  
30, 980

Royal Assent June 8 [26 & 27 Vict., c. 26]

Parl. Papers—Commons. . . . . Bill 7

Lords. . . . . No. 18

Report of Select Committee . . . . . No. 32

As amended by Select Comm. . . . . No. 33

**Drainage and Improvement of Land (Ireland) Bill**

(Mr. Peel, Mr. Chancellor of the Exchequer)

c. Read 1<sup>o</sup> May 5 [Bill 106]

170] Read 2<sup>o</sup> May 11, 1875

Considered in Committee May 28, 2076; and,  
after short Debate, reported

171] Motion, "That the Bill, as amended, be  
now taken into consideration" (Mr. Peel),  
June 4, 381; Motion, "That the Debate be  
now adjourned" (Mr. Scully), withdrawn  
Main Question agreed to; Bill, as amended,  
considered

**Drainage and Improvement of Land (Ireland) Bill—cont.**

171] c. Moved, "That the Bill be now read 3<sup>o</sup>" June 5  
472; Amendt. to leave out from "be," and  
add "re-committed" (Mr. Hennessy); De-  
bate adjourned

Debate resumed June 11, 773; Amendt. and  
Motion withdrawn; Order for Third Read-  
ing discharged; Bill re-committed, in respect  
to Clause 58; considered in Committee; re-  
ported; considered as amended.

Read 3<sup>o</sup> June 12

l. Read 1<sup>o</sup> (Earl of St. Germans) June 15

(No. 186)

Read 2<sup>o</sup> June 25, and referred to a Select  
Committee

Committee—Ld. Steward, E. Lucan, E.  
Belmore, E. Bandon, E. Harrowby, E. Strad-  
broke, V. Hawarden, V. Hutchinson, L. Pon-  
sonby, L. Wodehouse, L. Somerhill, L. Dartrey,  
L. Lyveden—Viscount de Vesci and Lord Sil-  
chester added, June 30

Report July 7 (Nos. 197 & 198)

Committee July 13; Report July 14

Read 3<sup>o</sup> July 20

Royal Assent July 28 [26 & 27 Vict., c. 86]

Parl. Papers—Commons. . . . . Bill 106

Lords' Amendments . . . . . Bill 259

Lords. . . . . No. 136

Report of Select Committee . . . . . No. 197

As amended by Select Committee No. 198

Commons' Dissent from Lords'

Amendts. . . . . No. 253

Commons' Reasons. . . . . No. 254

**Drainage (Ireland) [Stamps]**

Resolution in Committee Feb. 13, [169] 338;  
reported Feb. 16

**Dublin Metropolitan Railway Bill [H.L.]**

170] l. Moved, "That the Evidence be printed"

(Lord Talbot de Malahide), May 15, 1766;

On Question, Resolved in the Negative

l. Moved, "That the Bill be now read 3<sup>o</sup>" May  
18, 1804; Amendt. "this day six months"

(The Earl of Clancarty), 1804; After long

Debate, on Question "That 'now' &c."—

Contents 65, Not-Contents 11, Majority 54

Bill read 3<sup>o</sup>, and passed

Division List—Cont. and Not Cont. 1116

Parl. Papers—Report, Railway and Canal

Bills, cov.

**Duchy of Cornwall Management (1863) Bill [H.L.]**

(The Duke of Newcastle)

l. Read 1<sup>o</sup> May 4 (No. 90)

170] Read 2<sup>o</sup> May 15, 1738

Committee and Report May 18; re-com-  
mitted

171] Motion for Committee (on re-commitment) June 5, 384; After Debate, Motion agreed to; House in Committee

cl. 1 to 7 agreed to

cl. 8 (Incapacitated Persons), after short  
Debate, agreed to, 391

cl. 9 to 38 agreed to

cl. 39 (Grants of Land for Sites of Churches,  
&c.), after Debate, an Amendment made;

Clause, as amended, agreed to, 392

Remaining Clauses agreed to (No. 118)

*Duchy of Cornwall Management Bill—cont.*

- 171] Moved, That the Report be received, June 9, 584; Amendt. (*Lord Redesdale*), 588; After Debate, Report of Amendts. put off
- . Amendts. reported June 12, 796
  - . *cl.* 8, 9, 10, and 39 struck out
  - . new *cl.* (Grants of Sites for Churches, &c.) (*Duke of Newcastle*), 796; After Debate, Clause agreed to (No. 135)
  - Read 3<sup>d</sup>\*, and passed, June 15
  - c. Read 1<sup>o</sup>\* (*Sir W. Dunbar*) June 22 [Bill 182]
  - 172] Read 2<sup>o</sup> July 2, 137
  - Committee and Report\* July 6
  - Read 3<sup>o</sup>\* July 8
  - Royal Assent July 13 [26 & 27 *Vict.*, c. 49]
  - Parl. Papers—*Lords* . . . . . No. 90
  - As amended on Report . . . . . No. 106
  - As amended on Re-Comm. . . . . No. 118
  - As amended on Report . . . . . No. 135
  - Commons* . . . . . Bill 182
  - Receipts and Disbursements, 1862 No. 46
  - Report of Council . . . . . No. [3088]

**DUDLEY, Earl of**

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**DUFF, Mr. M. E. GRANT, *Elgin, &c.***

Address in answer to the Speech, Report, [169] 156  
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Edinburgh Botanic Garden—Opening on Sundays, Resolution, [171] 537  
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Irish Church Establishment, Comm. moved for, Adj. moved, [171] 1590, 1675  
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Turkey and her Dependencies, Papers moved for, [171] 38  
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**DUFF, Mr. R. W., *Banffshire***

Naval Courts of Inquiry, [170] 1970  
Navy—Promotion and Retirement, Address moved, [169] 766

**DUXE, Sir J., *London*.**

Metropolitan and City of London Police Amalgamation, [170] 1056

**DUNBAR, Sir W. (Lord of the Treasury) *Wigton, &c.***

Duchy of Cornwall Management, 2R. [172] 137  
Prince and Princess of Wales' Annuities, 2R. [169] 646  
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**DUNCOMBE, Rear. Adm. Hon. A., *Yorkshire, E. R.***

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**DUNCOMBE, Hon. W. E., *Yorkshire, N. R.***  
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Alkali Works Regulation, Comm. *cl.* 12, [171] 1174

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**DUNKELIN, Lord, *Galway Bo.***

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**DUNLOP, Mr. A. M., *Greenock***

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**DUNNE, Col. F. P., *Queen's Co.***

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- Ionian Islands—Military Expenditure, [169] 945  
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 Regimental Quartermasters, Papers moved for, [170] 1781  
 Salmon Fisheries (Ireland), 2R. [169] 244; Comm. 1907; [170] 852  
 Stoppage of Officers' Pay for Forage, Address moved, [169] 1543  
 Supply—Expedition to Kertoh and Yenikale, [170] 1613;—Post Office Packet Service, [172] 1028  
 Telegraphs, Comm. add. cl. [169] 1978  
 Tobacco Duties, 2R. Adj. moved, [169] 714, 957; Adj. moved, 959, 980; Comm. cl. 1, 1626, 1628  
 Vaccination (Ireland), 2R. Adj. moved, [169] 1792  
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 White, Capt. M., Case of, [170] 1152

**DUNNE, Mr. M., Queen's Co.**

- Education, Resolution, [170] 1207  
 Landlord and Tenant (Ireland), Commission moved for, [171] 1366  
 Lunatic Asylums (Ireland), Admission of Reporters to, [170] 676, 677

**Durham University Commission**

- Observations, The Bishop of Exeter; Answer, The Lord Chancellor, [169] 794;—Motion for an Address (*The Bishop of Exeter*), Feb. 27, 865; After long Debate, Motion withdrawn  
 Question, Mr. Mowbray; Answer, Sir G. Grey, [169] 794  
 Parl. Papers—*Lords*  
   Copies of Ordinances, &c. . . . . No. 22  
   Paper respecting (*Earl Granville*) . . . . . No. 41  
   Report of Commissioners . . . . . No. [1659]  
   Evidence (*Commons*) . . . . . No. 77

**DUTTON, Hon. R. H., Hampshire, S.**

- Accidents Compensation, 2R. [170] 1684  
 Accidents on Railways, [172] 597  
 Poisoned Grain Prohibition, 2R. [172] 388

**East Gloucestershire Railway**

- Second Reading moved (*Viscount Lifford*)  
 Feb. 2, [169] 718; Debate adjourned

**East India Revenue Accounts**

- Considered in Committee—*The Financial Statement of the Secretary of State for India*, Resolutions July 23; Debate thereon, [172] 1286

**Eastwick, Mr., Case of, at Teheran**

- Question, Mr. Henry Seymour; Answer, Mr. Layard, [172] 661

**EBURY, Lord**

- Acts of Uniformity Amendment, 2R. [170] 1924, 1945  
 Burial Service, Commission moved for, [171] 181, 178; [172] 615  
 Corrupt Practices at Elections, Comm. add. cl. [170] 1287  
 Ecclesiastical Commissioners, Resolution, [171] 1234, 1243  
 Great Eastern Railway, 2R. [169] 1318, 1915

**Ecclesiastical Commission**

On Motion of *Mr. H. Seymour*, Select Committee appointed Feb. 9, to inquire into the present state of the Ecclesiastical Commission, [169] 215

Motion, "That the Select Commission on the Ecclesiastical Commission do consist of sixteen members" (*Mr. H. Seymour*), April 30, [170] 1043; Amendt. "seventeen" (*Mr. Lygon*); Amendt. agreed to

Committee nominated April 30:—*Mr. H. Seymour*, *Mr. Lowe*, *Mr. Walpole*, *Mr. L. King*, *Mr. E. P. Bouverie*, *Lord R. Cecil*, *Mr. Ald. Copeland*, *Mr. Fenwick*, *Sir H. Willoughby*, *Lord Fermoy*, *Mr. Newdegate*, *Mr. Tite*, *Mr. Kinnaird*, *Mr. Scourfield*, *Mr. Selwyn*, *Mr. Hunt*, and *Sir W. Heathcote*

Report of Select Committee July 17

(*Parl. P. No. 457*)

Fifteenth Report of Commission [3115]

**Ecclesiastical Commissioners**

Resolution (*Lord Ebury*), [171] 1234; After Debate, Motion withdrawn

**Ecclesiastical Courts**

Question, *Mr. H. Seymour*; Answer, *Sir G. Grey*, [169] 1066

**Ecclesiastical Dilapidations Bill**

(*The Bishop of Lincoln*)

1. Read 1<sup>st</sup> Feb. 15 (No. 5)

**Ecclesiastical Patronage of the Lord Chancellor**

Observations, *The Earl of Shaftesbury*, *The Lord Chancellor*, [169] 1919  
 Lord Chancellor's Benefices, *Parl. P. 251*  
 See *Augmentation of Benefices Bill*

**Education, Report of the Committee of Council on**

Question, *Mr. F. S. Powell*; Answer, *Mr. Lowe*, [171] 403

**Education**

Postponement of Motion, *Mr. Walter*, [169] 1465

Resolution (*Mr. Walter*) May 5, [170] 1154; Amendt. (*Mr. Adderley*), 1211; After long Debate, Amendt. and Motion withdrawn

Second Resolution (*Mr. Walter*) moved—A. 117, N. 152, M. 35

Endowed Schools—*The Minutes of May 19, 1863*—Observations, *Lord Redesdale*; Reply, *The Duke of Somerset*; Debate thereon, [172] 1460

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*Education—cont.*

*Examination of Acting Teachers*, Question, Mr. Adderley; Answer, Mr. Lowe, [169] 1228

*Navigation Schools*, Question, Sir H. Stracey; Answer, Mr. Lowe, [172] 1282;—Question, Sir H. Stracey; Answer, Mr. M. Gibson, 1359

*Reports of Inspectors*, Question, Sir John Pakington; Answer, Mr. Lowe, [170] 22; Question, Mr. W. E. Forster; Answer, Mr. Lowe, [171] 717

*Revised Code, The Masters' Salaries*, Question, Sir S. Northcote; Answer, Mr. Lowe, [170] 1582;—*Articles* 150, 151, Question, Sir J. Pakington; Answer, Mr. Lowe, [171] 1042;—Question, Lord R. Cecil; Answer, Mr. Lowe, 1314

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*Education Grants 1860-1* . . . 141  
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*Minute of Committee of Council* [3122]  
*Science and Art, 10th Report* . [3143]  
*Report of Committee of Council,*  
 1862-3 . . . . . [3171]  
 Ireland—Report . . . . . No. 392

*Education of Factory Children Bill*

(Mr. Baxter, Mr. Buchanan)

c. Read 1<sup>o</sup> Feb. 20 [Bill 28]  
 Second Reading moved (Mr. Baxter) March 6, [169] 1208; Debate arising, Debate adjourned  
 Bill withdrawn, March 23

**EDWARDS, Major H., Beverley**

*Cotton Manufacturing Districts, Resolution*, [170] 827  
*Innkeepers' Liability (No. 1)*, 2R. [170] 530  
*Salmon Fisheries (Ireland)*, Comm. [169] 1063  
*Volunteers*, 2R. [170] 1699; *Consid. cl. 7*, [171] 796; *cl. 20*, 770

**EGERTON of TATTON, Lord**

*Alkali Works Regulation, Commons' Amendts.*, [172] 1144  
*Railways, Charging Entailed Estates for, Report*, [170] 768

**EGERTON, Hon. A. F., Lancashire, S.**

*Cotton Manufacturing Districts, Resolution*, [170] 830  
*Great Eastern Railway (Steamboats)*, *Consid. Amendt.* [172] 858, 865  
*Morayshire Railway, Consid.* [172] 867  
*Union Relief Aid Acts Continuance*, 2R. [172] 725  
*Volunteers, Comm. cl. 19*, [171] 351

**EGERTON, Mr. E. C., Macclesfield**

*Union Relief Aid Act Continuance*, 2R. [169] 532; *Comm. add. cl. 970*  
*Union Relief Aid Acts Continuance*, 2R. [172] 724

*Egypt*

*Compulsory Labour in*, Question, Mr. Darby Griffith; Answer, Viscount Palmerston, [169] 577; [172] 1498

*Egypt—cont.*

*Deportation of Negroes from*, Question, Mr. Buxton; Answer, Sir George Grey, [169] 651  
*Suez Canal, Forced Labour on the*, Question, Mr. D. Griffith; Answer, Viscount Palmerston, [170] 1770;—Question, Mr. Darby Griffith; Answer, Visct. Palmerston, [171] 804

**ELCHO, Lord, Haddingtonshire**

*Business, Order of*, [171] 811  
*International Exhibition Building*, [171] 573; [172] 1419  
*Police, Metropolitan and City*, [169] 1408  
*Prison Ministers, Comm. cl. 2*, [170] 1339, 1347, 1348  
*Statute Labour Roads and Bridges (Scotland)*, *Comm. cl. 1*, [171] 1310; *cl. 3*, 1312  
*Supply—Purchase of Land, &c., Exhibition of 1851, Adj. moved*, [171] 935;—*Exhibition Building*, [172] 91, 92  
*Vaccination (Scotland)*, *Comm. cl. 1*, [171] 1309  
*Volunteers, Comm. cl. 11*, [171] 347, 348; *cl. 19*, 350; *cl. 21*, 356, 357, 359; *cl. 26*, 366; *Consid. cl. 20*, 769  
*Volunteers in Hyde Park*, [169] 1409, 1412, 1413, 1414

*Election Petitions Bill*

(Mr. Hunt, Mr. Serjeant Pigott)

c. Read 1<sup>o</sup> May 14 [Bill 124]  
 171 Bill read 2<sup>o</sup>, after Debate, June 10, 677  
 . Order for Committee read; Motion, "That Mr. Speaker do now leave the Chair," June 17, 1017; *Amendt. to leave out from "That," in order to add "the Bill be committed to a Select Committee" (Mr. Ayrton)*, 1019; After Debate, Question put, "That the words proposed to be left out &c."—A. 91, N. 92, M. 1; Words added  
 . Main Question, as amended, agreed to; Bill committed to a Select Committee  
 Committee—Mr. Ayrton, Sir George Grey, Mr. Massey, Mr. Edward Pleydell Bowyer, Lord Henley, Mr. Monsell, Mr. Herbert, Mr. Serjeant Kinglake, Sir William Heathcote, Sir William Miles, Mr. Knightley, Mr. Adderley, Mr. Walpole, Mr. Hunt, and Mr. Serjeant Pigott  
 172 Order for Committee (on re-comm.) read July 2; Motion, "That Mr. Speaker do now leave the Chair," 141; *Amendt. to leave out from "That," in order to add "upon this day two months &c." (Mr. R. Hodgson)*, 142; After short Debate, Question, "That the words, &c." negatived; Words added.  
 Main Question, as amended, agreed to; Bill put off for two months  
 Parl Papers—Commons . . . Bill 194  
 Report of Select Committee . No. 397  
 As amended by Select Comm. . Bill 186

*Election Petitions [Advances]*

c. Considered in Committee <sup>a</sup> July 2  
 [No Report]

*Elections, General Committee of*

Members:—Sir F. Baring, Mr. Bonham-Carter, Mr. Herbert, Sir W. Miles, Mr. Ker Seymour, Mr. Walpole

[cont.]

**Elections during Recess Bill**

(Mr. Collins, Mr. Dodson, Mr. Hennessey)

- c. Read 1<sup>o</sup> *March 4* [Bill 48]  
 Read 2<sup>o</sup> *April 22*, [170] 538  
 Committee and Report \* *April 27*  
 Considered as amended \* *April 28*  
 Read 3<sup>o</sup>, and passed, *April 29*  
 l. Read 1<sup>o</sup> (Lord Wynford) *April 30* (No. 84)  
 Read 2<sup>o</sup> \* *May 11*  
 Committee and Report \* *May 12*  
 Read 3<sup>o</sup>, and passed, *May 15*  
 Royal Assent *June 8* [26 & 27 Vict., c. 20]

**Electric Light and Light-houses**

Amendt. on Committee of Supply *April 17*  
 (Lord Lovaine), [170] 327; Motion, not being  
 regular, not put; Explanation, Mr. Milner  
 Gibson, 330  
 Question, Sir John Pakington; Answer, Mr.  
 Milner Gibson, [170] 575;—Observations,  
 Lord Lovaine, [171] 428

**Electric Telegraph through Persia**

Question, Colonel Sykes; Answer, Mr. Layard,  
 [172] 353, 1478

**ELLENBOROUGH, Earl of**

Holstein and Schleswig, [170] 1738, 1750  
 India—Army Amalgamation, [169] 294, 305;—  
 The Council, 1802;—The Navy, [171] 1029,  
 1030; [172] 45, 48  
 Italy—Affairs of Rome, [169] 391, 475  
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 "Orpheus," Loss of the, [170] 375  
 Poland—Insurrection in, [169] 560;—Conven-  
 tion between Russia and Prussia, 857;—  
 Affairs of, [171] 479; Address for Papers,  
 [172] 1348  
 Qualification for Offices Abolition, 2R. [170]  
 667  
 Secretary at War, Office of, Abolition, 2R. [170]  
 552, 553  
 United States—Seizure of British Ships, [170]  
 656

**ELLICE, Mr. E., St. Andrews, &c.**

Ordnance Survey, [171] 426  
 Pier and Harbour Orders Confirmation, Comm.  
 [171] 965  
 Statute Labour Roads and Bridges (Scotland),  
 Comm. cl. 1, [171] 1311

**ELPHINSTONE, Sir J. D. H., Portsmouth**

Address in answer to the Speech, Report, [169]  
 160  
 Admiralty, Board of, Comm. moved for, [171]  
 1419  
 Anchors and Chain Cables, 2R. [172] 406;  
 Comm. cl. 6, 1136; cl. 9, 1137  
 Army Expenditure, [171] 1462  
 Coolie Immigration into the Island of Réunion,  
 Papers moved for, [169] 1816  
 Fortifications and Works, Comm. Adj. moved,  
 [172] 136; Leave, 336  
 Harbours of Refuge, Resolution, [170] 317  
 Navy Estimates—Men and Boys, [169] 687  
 Navy Prize Money, 2R. [171] 1015, 1016  
 Navy—Promotion and Retirement, Address  
 moved, [169] 756;—Iron-plated Ships, [170]  
 27;—Commission moved for, 898, 919;—

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**ELPHINSTONE, Sir J. D. H.—cont.**

Constructors of the, Returns moved for,  
 [172] 1139  
 Spithead Forts, [171] 180  
 Superintendents of Dockyard Police, Comm.  
 moved for, [169] 654, 657  
 Supply—Civil Service Estimates, [171] 380;—  
 Harbours of Refuge, 453, 458; Report, Adj.  
 moved, 672, 778

**Elswick Ordnance Company**

Question, Sir Henry Willoughby; Answer, The  
 Marquis of Hartington, [171] 247

**Embassies, &c. Cost of**

Question, Mr. Dodson; Answer, Mr. Layard,  
 [172] 949  
 See Supply

**Endowed Charities**

Observations, Mr. Grant Duff, [171] 712

**Endowed Schools**

c. Considered in Committee \* Feb. 6; Resolution

**Endowed Schools Bill**

(Mr. Dillwyn, Sir C. Douglas)

- c. Read 1<sup>o</sup> \* Feb. 6 [Bill 3]  
 Motion, "That the Order for the Second Read-  
 ing be discharged" (Mr. Dillwyn); After  
 Debate, Order discharged; Bill withdrawn  
 June 17, [171] 1004

**Endowed Schools Bill—The Irish Church**

Question, Mr. Walpole; Answer, Mr. Dillwyn,  
 [169] 1468

**ENFIELD, Viscount, Middlesex**

Army Estimates—Disembodied Militia, [169]  
 1547  
 Crown Lands, Inclosure of, Address moved,  
 [169] 318  
 Hyde Park, Carriage Road through, [169]  
 579  
 International Exhibition Building, [171]  
 1175  
 Leases and Sales of Settled Estates Act Amend-  
 ment, 2R. Amndt. [171] 1420  
 Lisburn Election, Resolution, [171] 1225  
 Metropolis Turnpike Roads Act Amendment,  
 Leave, [169] 1040; Comm. add. cl. [171]  
 688  
 Metropolitan Railways, [169] 1028  
 Music and Dancing Licences, [169] 221  
 Poland—Postponement of the Orders of the  
 Day, [171] 1256, 1259  
 Royal Forests in Essex, [172] 1055

**English Church Services in Wales Bill [H.L.]**

(The Bishop of Bangor)

- l. Read 1<sup>o</sup> \* Feb. 16 (No. 7)  
 169] Read 2<sup>o</sup>, after short Debate, Feb. 24, 719  
 Committee and Report \* Feb. 26  
 Read 3<sup>o</sup> \* Feb. 27  
 c. Read 1<sup>o</sup> \* *March 6* [Bill 53]  
 170] Read 2<sup>o</sup> (Mr. Walpole) *April 17*, 373  
 Committee and Report \* *April 20*  
 Considered in Committee *May 14*, 1731  
 cl. 1, Amndt. (Mr. Puller), agreed to, 1731

[cont.]

*English Church Services in Wales Bill*—cont.

- 170] Amendt. (*Mr. Hunt*), 1732; Question put—  
A. 31, N. 45, M. 14  
Amendt. (*Mr. H. A. Bruce*), agreed to  
Amendt. (*Mr. Puller*), negatived, [170] 1732  
Amendt. (*Mr. Lygon*); Amendt. withdrawn,  
1733; Amendt. (*Colonel Pennant*), 1734;  
Question put—A. 32, N. 31, M. 1  
Committee report Progress  
171] Question, *Colonel Pennant*; Answer, *Mr.*  
*Walpole*, 573  
Bill considered in Committee *June 25*  
new cl. in lieu of cl. 2 (*Colonel Pennant*),  
1495; Amendt. (*Mr. Lygon*), 1495—A. 6,  
N. 46, M. 40.  
Bill reported  
Considered as amended \* *July 6*  
172] Motion, "That the Bill be now read 3<sup>o</sup>"  
(*Mr. Walpole*) *July 10*, 612; Amendt.  
to leave out "now" and add "upon this  
day two months" (*Colonel Williams*); After  
short Debate, Question put, "That 'now'  
&c."—A. 38, N. 0, M. 38; Main Question  
put, and agreed to  
Bill read 3<sup>o</sup>, and passed, with Amendts.  
Royal Assent *July 28* [26 & 27 *Vict.*, c. 82]  
Parl. Papers—*Lords* . . . . . No. 7  
With Commons' Amendts. . . . . Bill 206  
Commons . . . . . Bill 53  
As amended in Committee . . . . . Bill 81  
On Re-Commitment . . . . . Bill 190

*Entailed Estates, Charging of, for Railways*  
—*Select Committee*—see *Charging*

- ESMONDE, Capt. J., *Waterford Co.*  
Births, &c. Registration (Ireland), Comm.  
[169] 555  
Holyhead Harbour, Nomination of Comm. [171]  
244  
Irish Members, Meeting of, [170] 1984  
Salmon Fisheries (Ireland), [169] 643; Comm.  
Adj. moved, 1982

EVANS, Gen. Sir DE L., *Westminster*

- District Post Offices, [171] 1  
Fortifications (Provision for Expenses), 2R.  
[172] 449, 558; Comm. cl. 20, 681, 686;  
Schedule, 702  
Kitchen and Refreshment Rooms (House of  
Commons) Committee, Resolution, [172]  
823, 830  
Mhow Court Martial—*Col. Crawley*, [171]  
1438, 1440  
Poland—Affairs of, Address moved, [169] 892  
Police, Metropolitan and City, [169] 1396  
Regent Circus Railway, 2R. [169] 1027  
Volunteers, Comm. [171] 335; cl. 21, 357, 361

EVANS, Mr. T. W., *Derbyshire, S.*

- Church Rates Redemption, 2R. [170] 1274,  
1688  
Ionian Islands—Removal of Judges, Papers  
moved for, [170] 1601  
Lisburn Election, Resolution, Amendt. [171]  
1224  
Supply—Harbours of Refuge, [171] 454  
Union Relief Aid Act Continuance, 2R. [169]  
537  
Volunteers, Comm. cl. 19, [171] 351; cl. 21,  
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EVERSLEY, Viscount

- Railways, Charging of Entailed Estates for,  
Resolution, Amendt. [170] 1293

EWART, Mr. J. C., *Liverpool*

- Accidents Compensation, 2R. [170] 1677  
Anchors and Chain Cables, Comm. cl. 1, [172]  
846  
Church Rates, Recovery of, Leave, [172]  
365  
Liverpool Licensing, 2R. [169] 398  
Navy—Wooden Frames for Iron Ships, Reso-  
lution, [169] 1361  
Telegraphs, Com. cl. 26, [169] 1975

EWART, Mr. W., *Dumfries, &c.*

- Army Estimates—Military Education, [169]  
1781  
Poland—Convention between Russia and Prus-  
sia, [169] 576  
Residences of Deceased Celebrities, [172] 986  
Statues and Paintings in the Metropolis, [172]  
1495  
Supply—Royal Parks, [171] 218  
Trout, &c. Fishing (Scotland), Leave, [171]  
245; 2R. 965  
\*Weights and Measures (Metric System), 2R.  
[172] 5, 43

EWING, Mr. H. E. CRUM-, *Paisley*

- Factory Children, Education of, 2R. [169]  
1210  
MacLachlan, Jessie, Case of, Papers moved for,  
[170] 703  
Partnership Law Amendment, Comm. Adj.  
moved, [172] 241  
Prison Ministers, Comm. cl. 2, [170] 1346  
Savings Banks Acts Amendment, Comm. cl. 6,  
[171] 676  
Ways and Means—Sugar, &c. [170] 643

EXCHEQUER, CHANCELLOR of the, see  
CHANCELLOR of the EXCHEQUER

*Exchequer Bonds (£1,000,000) Bill*

- c. Read 1<sup>o</sup> \* *April 27*; 2<sup>o</sup> \* *April 28*  
Committee and Report \* *April 30*  
Read 3<sup>o</sup> \*, and passed, *May 4*  
l. Read 1<sup>o</sup> \* *May 5*; 2<sup>o</sup> \* *May 7*  
Committee negatived \* *May 7*  
Read 3<sup>o</sup> \*, and passed, *May 8*  
Royal Assent *May 11* [26 & 27 *Vict.*, c. 15]

*Execution of Decrees Bill*

- (*Mr. Butt, Mr. Longfield, Mr. Murray*)  
c. Read 1<sup>o</sup> \* *May 14*; 2<sup>o</sup> \* *May 28* [Bill 125]  
Committee and Report \* *June 4* [Bill 153]

EXETER, Bishop of

- Burial Service, [172] 619  
Durham University Commission, [169] 794;  
Address moved, 865, 870

*Exhibition Medals Bill* [H.L.]

- (*The Marquess of Clanricarde*)  
l. Read 1<sup>o</sup> \* *July 20*; 2<sup>o</sup> \* *July 21* (No. 234)  
Committee negatived  
Read 3<sup>o</sup> \* *July 23*  
c. Read 1<sup>o</sup> \* *July 23* [Bill 361]  
[cont.]

*Exhibition Medals Bill—cont.*172] c. Read 2<sup>o</sup> July 24, 1858

Committee and Report \* July 24

Motion, "That the Bill be now read 3<sup>o</sup>,"  
 July 27, 1877; Amendt. to leave out the  
 word "now," and add "upon this day  
 week" (*Mr. Ayrton*); On Question "That  
 'now' &c."—A. 62, N. 15, M. 47

Bill read 3<sup>o</sup> July 27

Royal Assent July 28 [26 &amp; 27 Vict., c. 119]

*Expiring Laws*

Select Committee appointed, "to inquire  
 what temporary Laws of a public and general  
 nature are now in force, and what Laws of the  
 like nature have expired since the last Report  
 upon the subject, and also what laws of the like  
 nature are about to expire at particular periods,  
 or in consequence of any contingent public  
 events, and to report the same, with their ob-  
 servations thereupon, to the House" (*Mr. Peel*)

Committee:—*Mr. Peel*, *Mr. Massey*, *Sir*  
*Stafford Northcote*, *Mr. Attorney General*,  
*Mr. Solicitor General*, *Mr. Adderley*, *Mr. Cow-  
 per*, *Sir William Jolliffe*, *Colonel French*, *Mr.*  
*Baring*, *Mr. Williams*, *Mr. Brand*, and *Lord*  
*John Manners*

Report, *Parl. P.* 321*Expiring Laws Continuance Bill*(*Mr. Peel*, *Mr. Chancellor of Exchequer*)

c. Ordered \* July 13

Read 1<sup>o</sup> \* July 14; 2<sup>o</sup> \* July 15 [Bill 238]

Considered in Committee July 17, [172] 1030

Schedule—Amendt. to leave out "10 & 11 Vict.  
 &c." (*Colonel Dunne*); After short Debate,  
 Question put, "That those words &c."  
 —A. 34, N. 7, M. 27

Bill reported

Read 3<sup>o</sup> \* July 20l. Read 1<sup>o</sup> \* (*Duke of Argyll*) July 21 (No. 241)Read 2<sup>o</sup> \* July 23

Committee and Report \* July 24

Read 3<sup>o</sup> \* July 25

Royal Assent July 28 [26 &amp; 27 Vict., c. 95]

*Factories, Sub-Inspectors of*

Question, *Lord J. Manners*; Answer, *Sir G.*  
*Grey*, [171] 1044

*Factory Children, Education of, Bill—see*  
*Education**Factory Children, Employment of, in*  
*Potteries and Paper Tube Factories*

Question, *Mr. Ferrand*; Answer, *Sir G. Grey*,  
 [171] 699

*Factory Children—Steam Boiler Ex-  
plosions*

Question, *Mr. Ferrand*; Answer, *Mr. H. A.*  
*Bruce*, [172] 870

*Factory Operations, Unemployed*

Question, *Mr. Ferrand*; Answer, *Mr. C. P.*  
*Villiers*, [170] 991

See *Cotton Manufacturing Districts*

FANE, Col. J. W., *Oxfordshire*  
 Volunteers, 3R. [171] 959

FARQUHAR, Sir W. M. T., *Hertford*

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Borough Residence Uniform Measurement,  
 Comm. [170] 1041

Brazil—Relations with, [171] 179

Coolie Immigration into the Island of Re-  
 union, Papers moved for, [169] 1815

Corrupt Practices at Elections, Comm. cl. 2  
 [169] 1003, 1007; cl. 3, 1630

Customs and Inland Revenue, 2R. [170] 1019

Diplomatic Service, [171] 1672

East India Company's Army, Officers of the,  
 [169] 1466

Education, Resolution, [170] 1225

Frith, Major, Case of, Address moved, [172]  
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India—Banda and Kirwee Booty, Address  
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Levees and Drawing Rooms, [169] 873

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Poland—Affairs of, Address moved, [169] 922

Prison Ministers, Comm. cl. 3, [170] 1351

Supply—Public Education (Great Britain),  
 [171] 756

Volunteers, Comm. cl. 19, [171] 353

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 [172] 815

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 1020; Comm. cl. 2, Amendt. 1067, 1069,  
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- Licensing System, Resolution, [172] 932
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- Assurances Registration (Ireland), 2R. [170] 267
- Business, Order of, [171] 813
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- Cotton Operatives, Distressed, [171] 402, 976
- Cotton Trade, State of the, [169] 1652
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- Devonport Dockyard Men, [169] 1030
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- Question, Mr. T. Hankey; Answer, The Chancellor of the Exchequer, [169] 1229;—Notice, Chancellor of the Exchequer, 1745
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- Herring Fisheries (Scotland), [171] 324
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- Question, Captain Jervis; Answer, Mr. Cowper, [169] 414

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- Question, Mr. Hadfield; Answer, Mr. H. B. Sheridan, [169] 186

**Fire Insurances**

- Resolution for a Reduction of Duty (*Mr. Henry B. Sheridan*) July 14, [172] 798
- After Debate, Question put—A. 103, N. 67, M. 36

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- Question, Mr. Hunt; Answer, Mr. Cowper, [171] 701

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- Question, Mr. T. Hankey; Answer, Sir George Grey, [169] 342;—Question, Mr. Peacocke; Answer, Sir George Grey, [169] 1467

**Fisheries (Ireland) Bill**

(Sir Robert Peel, Mr. Bruce)

- c. Bill ordered \* May 15 [Bill 137]
- 171] Read 1<sup>o</sup> \* May 19
- 171] Read 2<sup>o</sup> (Sir Robert Peel) June 3, 319
- .. Motion to discharge Order for Committee at Morning Sitting (*Mr. Butt*), 707; After Debate, Motion withdrawn
- .. Motion, "That Mr. Speaker do now leave the Chair," after Debate, agreed to, June 19, 797
- .. Bill considered in Committee, 799
- cl. 1 and 2 agreed to
- cl. 3 postponed

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*Fisheries (Ireland) Bill—cont.*

171] *cl. 4* (as to bag nets in tidal waters), Amendt. (*Mr. Longfield*); After Debate, Amendt. withdrawn, 800

• Amendt. (*Colonel Vandeleur*), 801  
After Debate, Motion, "That the Chairman do report Progress" (*Mr. Butt*), negatived  
Amendt. withdrawn

• Amendt. (*Mr. Redmond*); Amendt. negatived, 804 [B.P.]

Considered in Committee *June 16*

• *cl. 4* (as to bag nets in tidal waters), Amendt. (*Mr. Bruce*), 987; After short Debate, Question, "That the words &c."—A. 35, N. 33, M. 2

• Amendt. (*Mr. M'Mahon*), negatived, 989  
Amendt. (*Mr. Redmond*)—A. 76, N. 8, M. 68

• Amendt. (*Mr. Butt*), after short Debate, negatived, 989

*cl.*, as amended, agreed to

• *cl. 5* (Penalty on new fixed nets), Amendt. (*Sir W. Somerville*), after Debate, withdrawn, 971

• Amendt. (*Mr. Blake*), after short Debate, negatived, 973

Motion, "That the clause, as amended, stand part of the Bill"—no Tellers for the Noes;  
Clause agreed to [B.P.]

Bill considered in Committee\* *June 19* [B.P.]

Bill considered in Committee *June 30*

• *cl. 6* (Commissioners to inquire as to fixed nets), Amendt. (*Mr. Hassard*), after short Debate, withdrawn, 1755

• Amendt. (*Sir H. Bruce*), after short Debate, withdrawn, 1756

*cl.* agreed to

• *cl. 7* (Certificate as to certain fixed nets), Amendt. (*Mr. M'Mahon*), after short Debate, withdrawn, 1757

• Amendt. (*Mr. Butt*), 1758; Question, "That the words proposed to be left out &c."—A. 63, N. 4, M. 59.

• Amendt. (*Mr. M'Mahon*), 1758—A. 38, N. 37, M. 1.

*cl.*, as amended, agreed to

*cl. 8* agreed to

• *cl. 9* (Compensation to owners of fishing weirs), Amendt. (*Mr. M'Mahon*), withdrawn, 1759; Amendt. (*Mr. Hodgson*), withdrawn, 1759; *cl.* withdrawn

*cl. 9* to 15 amended, and agreed to

• *cl. 16* (Weekly Close Season), Amendt. (*Mr. Hassard*), negatived, 1763

Another Amendt. (*Mr. Monsell*), withdrawn—[B.P.]

Bill considered in Committee *July 3*

172] *cl. 18* (Appointment of Commissioners)—Amendt. (*Sir H. Bruce*), withdrawn, 166

Amendt. (*Mr. O'Hagan*), after short Debate, agreed to; *cl.* agreed to

• *cl. 28* (Power for Commissioners to state case), After short Debate, *cl.* negatived, 167

*cl. 29* withdrawn

• *cl. 30* (Power of Commissioners to compromise), Amendt. (*Mr. Herbert*); After short Debate, withdrawn; *cl.* negatived, 167

• *cl. 31* (Determination of the Office of the Commissioners), Amendt. (*Sir Hervey Bruce*), 169; After short Debate, on Question "That the words &c."—A. 62, N. 11, M. 51; *cl.* agreed to

• *cl. 3* (Interpretation Clause) struck out (*Mr. Longfield*), 170

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172] *new cl.* after *cl. 8*, Penalty of £50 for keeping a weir after notice (*Mr. Longfield*), 170

• Amendt. to add a Proviso (*Mr. Butt*), agreed to, 171; *cl.*, as amended, agreed to

• *new cl.* in substitution of *cl. 9*, Construction of free gaps (*Mr. Longfield*), after short Debate, agreed to, 171

• Amendt. (*Mr. Gower*) withdrawn, 172; *cl.*, as amended, added

• *new cl.* to follow *cl. 15*, No fixed net, save bag nets, to extend "beyond the mean level of ordinary spring tides, and the low water of ordinary neap tides" (*Mr. Blake*), 173; After short Debate, *cl.* negatived [B.P.]

Bill considered in Committee *July 7*

• *cl. 17* (Additional licence on fixed engines) struck out

• *new cl.* in lieu thereof (*Mr. H. A. Bruce*), 348

• Amendt. to add "Fly rods, £2" (*Sir Hervey Bruce*) withdrawn, 348

• *cl. K* (Additional licence on fixed engines) agreed to

• *new cl.* (Ex-officio Conservators) (*Mr. W.R. O. Gore*), agreed to, 348

• *new cl.* (Fixed engines interfering with navigation common nuisances) (*Mr. M'Mahon*), withdrawn, 349

• *new cl.* (Courts may award costs) (*Mr. M'Mahon*), agreed to (*cl. O*), 349

• *new cl.* (Exception of Salmon caught for certain purposes) (*Sir Edward Grogan*), agreed to (*cl. H*), 349

• *new cl.* (Hydraulic Machines) (*Mr. Leader*), agreed to (*cl. N*), 349

• *new cl.* (No net to be used in any fresh water portions of rivers except by owner of a several fishery) (*Lord Naas*), withdrawn, 349

• *new cl.* (Weekly close season for stake nets, &c.) (*Mr. Longfield*)—A. 32, N. 27, M. 5 (*cl. F*), 350

Motion, to report Progress (*Sir H. Bruce*), withdrawn, 351

• *new cl.* (*Sir H. Bruce*), negatived, 351

• *new cl.* (*Sir H. Bruce*), withdrawn, 351

• *new cl.* (Use of nets in rivers) (*Mr. Herbert*), After short Debate, Clause withdrawn, 351

• *new cl.* (Restriction of bag nets) (*Mr. Herbert*)—A. 21, N. 54, M. 33; 352

• *new cl.* (Compensation to owners of bag nets) (*Mr. Butt*), negatived, 352

• *new cl.* (Grating to be provided for water-courses) (*Mr. Butt*), withdrawn, 353

• *new cl.* (Construction of Act) (*Mr. H. A. Bruce*), agreed to (*cl. P*), 353

• *new cl. G* (Alteration of Annual Close Time) (*Mr. H. A. Bruce*), agreed to, 353

• Preamble agreed to

• Bill reported [Bill 214]

• Bill, as amended, considered, *July 9*, 803

• Read 3<sup>d</sup> *July 10*

1. Read 1<sup>st</sup> \* (*Lord Stanley of Alderley*) *July 13*

172] Read 2<sup>d</sup>, after Debate, *July 16*, 850

Order for Committee read *July 20*, 1033

• Moved, That M. A. Little, A. Clarke, and R. W. C. Reeves, praying to be heard by Counsel against the Bill, be heard, 1033; After short Debate, on Question—Contents, 19, Not-Contents 68, M. 47

• Division List—Cont. and Not-Cont. 1034

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- House in Committee  
*cl.* 1 and 2 agreed to
- 172] *cl.* 3 (Prohibition of bag nets in certain places), Amendt. to leave out "or in any other Waters, except in the open Sea," and insert other words; On Question, Whether the words proposed to be left out &c.—Contents 38, Not-Contents 42, M. 4; *cl.* as amended, agreed to
- Division List—Cont. and Not-Cont. 1036
- cl.* 4 (Penalty on new fixed nets), Moved to leave out the word "trout" (*The Earl of Malnesbury*); Amendt. negatived, 1036
- Moved to leave out "during the open season of 1862," and insert "and in actual operation at the time of the passing of this Act" (*Lord Chelmsford*), 1037; After short Debate, on Question, Whether the words proposed to be left out &c.—Contents 44, Not-Contents 28, M. 16; *cl.* agreed to, 1040
- Division List—Cont. and Not-Cont. 1040
- cl.* 9 (Construction of free gaps), Moved, to omit the Proviso (*Lord Chelmsford*), 1041; After short Debate, on Question, Whether the said Proviso shall stand part of the Clause—Contents 38, Not-Contents 15, M. 21; Clause agreed to, 1042
- Division List—Cont. and Not-Cont. 1043
- new cl.* (No net to be used in fresh water portion of river, except where a several fishery) (*Viscount Hutchinson*); On Question—Contents 11, Not-Contents 27, M. 16; Motion negatived, 1044
- Division List—Cont. and Not-Cont. 1044
- Moved to omit *cl.* 20; On Question, Whether the said Clause shall stand part of the Bill—Contents 18, Not-Contents 19, M. 1, 1044
- Division List—Cont. and Not-Cont. 1044
- new cl.* (Salmon passes and fish ladders to be open to inspection), inserted
- Remaining Clauses agreed to
- Amendments reported (according to Order) July 21
- Moved, to insert Proviso, saving rights under 5 & 6 *Vict.*, c. 109 (*Lord Wensleydale*), 1145; After short Debate, on Question—Contents 17, Not-Contents 49, M. 32
- Division List—Cont. and Not-Cont. 1147
- Moved, That the Bill be now read 3<sup>a</sup> (*Lord Stanley of Alderley*), July 23, 1235; Amendt. to leave out "now" and insert "this day three months" (*Lord Cranworth*), 1235; After short Debate, on Question, That "now" stand Part of the Motion—Contents 40, Not-Contents 26, M. 15; Resolved in the Affirmative
- Bill read 3<sup>a</sup> accordingly, with the Amendments
- Division List—Cont. and Not-Cont. 1243
- Several Amendts. moved and negatived; one agreed to
- Bill passed
- Protest against the Third Reading, 1244
- c.* Lords' Amendts. considered, and, after Debate, agreed to, July 25, 1433
- Royal Assent July 28 [26 & 27 *Vict.*, c. 114]
- Parl. Papers—Commons . . . Bill 137  
 As amended in Committee . . . Bill 214  
 Lords' Amendments. . . . Bill 267  
     *Lords* . . . . . No. 211  
 As amended in Committee . . . No. 229  
 As amended on Report . . . No. 236

**Fisheries (Upper Shannon)**

Motion for Reports made by the Inspector of Fisheries and by Mr. Forsythe, C.E., "relative to the defective state of the Fish Ladders on the Upper Shannon from Athlone to Boyle" (*Colonel Dickson*), agreed to, [172] 1328

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172] Considered in Committee July 6, 330  
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idated Fund (Viscount Palmerston)  
Resolution reported July 7; Resolution agreed  
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*Fortifications Bill—Order of Business*

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*Fortifications (Provision for Expenses)  
Bill*

(Mr. Massey, Viscount Palmerston, The Marquess  
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c. Bill read 1<sup>o</sup> July 7 [Bill 213]  
172] Motion, "That the Bill be now read 2<sup>o</sup>"  
(Viscount Palmerston) July 9, 441  
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to add "no further expenditure should be  
incurred for the present upon that part of  
the project for Fortifications which is based  
on the assumption that an enemy might land  
in force and attempt to besiege Portsmouth  
and Plymouth, except on such works as are  
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Frederic Smith), 442; After long Debate,  
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A. 132, N. 61, M. 71  
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short Debate, cl. agreed to, 678  
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l. Read 1<sup>o</sup>\* (Earl de Grey) July 17 (No. 225)  
Read 2<sup>o</sup>\* July 20  
Committee and Report\* July 21  
Read 3<sup>o</sup>\* July 23  
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*Fortifications (Provision for Expenses)  
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(*Lord Redesdale*)

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Read 1<sup>o</sup> \* March 5; 2<sup>o</sup> \* March 11 [Bill 50]  
Committee and Report \* April 15  
Considered as amended \* April 17  
Read 3<sup>o</sup> \*, and passed, April 2  
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*Great Eastern Railway (New Metropolitan Station and Branches) Bill*

[169] Moved, That the Bill be now read 2<sup>a</sup>, Feb. 23, 623; After long Debate, Debate adjourned  
 . Debate resumed March 12, 1815; Amendt. "this Day Six Months" (*Earl of Shaftesbury*); Further Debate arising, Debate again adjourned

[*cont.*]*Great Eastern Railway (New Metropolitan Station and Branches) Bill—cont.*

[169] Debate resumed March 28, 1909; After long Debate, on Question "That 'now' &c." Resolved in the Negative

*Great Eastern Railway (Steamboats) Bill*  
[Lords] (by Order)

[172] *c.* Order for Consideration read; Motion, "That the Bill be ordered to be read the third time," July 16, 858; Amendt. to leave out from "be," to add the words "taken into Consideration upon this day two months" (*Mr. A. Egerton*); Question, "That the words &c." 859; After Debate, Amendt. and Motion, withdrawn  
 Bill re-committed to the former Committee; Instruction  
 . Motion "That Standing Orders 184, 192, and 220, be suspended, and that the Bill be now taken into Consideration" (*Mr. C. Forster*), July 20, 1048; Amendt. to leave out "now," and to add the words "To-morrow, at Six of the Clock," (*Mr. Massey*); Question, "That 'now' &c. stand part of the Question," put, and agreed to  
 Bill considered  
 . Motion, "That the Bill be read the third time;" Amendt. at the end of Question, to add "upon this day two months" (*Mr. Crawford*), 1048; After short Debate, Question put, "That those words be there added"—A. 69, N. 121, M. 62  
 Main Question put, and agreed to

*Great Western, West Midland, and South Wales Railway Companies Amalgamation Bill* (by Order)

*c.* Lords' Amendts. considered July 16, [172] 857  
*cl.* E, Motion, "That this House doth disagree &c." (*Mr. Darby Griffith*); After short Debate, Motion withdrawn; Amendt. agreed to

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Question, Mr. H. Seymour; Answer, Viscount Palmerston, [169] 194

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Question, Mr. Coningham; Answer, Lord C. Paget, [170] 1151

Observations, Question, Mr. Liddell; Debate thereon, [171] 1189; Answer, Lord C. Paget, 1213

*Nautical School*, Question, Sir Morton Peto; Answer, Mr. Stansfeld, [171] 1766

*Greenwich Hospital (Provision for Widows) Bill*

(Mr. Stansfeld, Lord C. Paget)

- e. Read 1<sup>o</sup> \* July 1 [Bill 200]  
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*c.* Read 1<sup>o</sup> \* July 6 [Bill 211]

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(Mr. Hassard, Mr. D. Fortescue)  
 c. Read 1<sup>o</sup> March 5; 2<sup>o</sup> March 12 [Bill 51]  
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**Harwich Harbour**

c. Considered in Committee May 5; Resolution thereon; Bill ordered

**Harwich Harbour Bill**

(Mr. M. Gibson, Mr. Hutt)  
 c. Read 1<sup>o</sup> May 5; 2<sup>o</sup> May 19 [Bill 101]  
 Referred to Select Committee May 28  
 Committee:—Mr. Corry, Mr. E. Ellice, Visct. Galway, Mr. J. King, Mr. Leatham  
 Report of Select Committee June 11  
 171 Order for Re-Commitment; Motion, "That Mr. Speaker do now leave the Chair" (Mr. Milner Gibson) June 19, 1919; Amendt. "That

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this House will on this day three months &c." (Mr. Clay), 1220 ; After short Debate, Amendt. withdrawn ; M. Q. agreed to

- Bill considered in Committee June 19, 1221
- cl. 1 to 22 agreed to
- cl. 23, Amendt. (Mr. Lindsey), 1221 ; Question, "That the words proposed to be left out &c."—A. 153, N. 24, M. 129
- cl. agreed to
- Remaining Clauses agreed to
- Bill reported
- Considered as amended \* June 25
- Read 3<sup>o</sup> \* June 26
- 2. Read 1<sup>o</sup> \* (Lord Stanley of Alderley) June 29
- Read 2<sup>o</sup> \*, and committed to the Chairman of Committee, July 14
- Report \* July 17
- Committee and Report \* July 20
- Read 3<sup>o</sup> \* July 21
- Royal Assent July 28 [26 & 27 Vict., c. 71]
- Parl. Papers—Commons . . . Bill 101
- As amended by Select Committee Bill 159
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- Great Eastern Railway (Steamboats), Consid. [172] 864
- Illegitimate Children (Ireland), Comm. cl. 1, [169] 344, 346
- Salmon Fisheries (Ireland), 2R. [169] 242 ; Comm. Adj. moved, 1063, 1908 ; [170] 853
- Supply—Holyhead, Portpatrick, &c. Harbour, [171] 465
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**HERBERT, Rt. Hon. H. A., *Kerry Co.***

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**Holyhead Harbour**

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Motion, "That a Select Committee be appointed to inquire into the state of Holyhead Harbour, with a view to ascertain the best method of affording safe and efficient accommodation for the Vessels engaged in the Irish Mail Service, and for the Passengers conveyed by them" (*Colonel Dunne*) May 5, [170] 1243; After Debate, Motion "That the Debate be now adjourned" (*Mr. Chancellor of the Exchequer*)—A. 40, N. 35, M. 5; Debate adjourned

Debate resumed May 12, [170] 1660; After further Debate, Question put—A. 73, N. 47, M. 26; Select Committee appointed

Committee nominated June 1; Debate thereon, [171] 241;—Colonel Dunne, Mr. Corry, Mr. Laird, Colonel Pennant, Colonel Vandeleur, Lord Naas, Mr. John Tollemache, Mr. Lefroy, Mr. Milner Gibson, Mr. Stansfeld, Mr. Herbert, Mr. Dalglish, Colonel French, Lord J. Browne, and Lord Richard Grosvenor

Report of Select Comm. July 14 (No. 445)

Motion, "That, in the opinion of this House, the Recommendations made in the Report of the Select Committee on Holyhead Harbour ought to be adopted" (*Colonel Dunne*), [172] 1329

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Parl. Papers—Correspondence No. 236  
Returns . Nos. 302, 389  
Report . . . No. 445

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Union Relief Aid Acts Continuance, Comm. [172] 773

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India—Banda and Kirwee Booty, Address moved, [172] 822

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**HOWARD, Hon. C. W. G., Cumberland, M. Brazil**

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**HOWES, Mr. E., Norfolk, E.**

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**Howth Harbour Bill**

(*Mr. Peel, Mr. Milner Gibson*)

a. Ordered \* June 17

Read 1<sup>o</sup> \* June 18; 2<sup>o</sup> \* June 24 [Bill 175]

Committee and Report \* June 25

Considered as amended \* June 26

Read 3<sup>o</sup> \* June 30

l. Read 1<sup>o</sup> \* (*The Lord Stanley of Alderley*) July 2 (No. 180)

Read 2<sup>o</sup> \*, and committed to the Chairman of Committees, July 14

Report \* July 17

Committee and Report \* July 20

Read 3<sup>o</sup> \* July 21

Royal Assent July 28 [26 & 27 Vict., c. 73]

**HUBBARD, Mr. J. G., Buckingham**

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HUNT, Mr. G. W., *Northamptonshire, N.*

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(*Mr. Massey, Mr. Chancellor of the Exchequer, Viscount Palmerston*)

- 170] c. Read 1<sup>o</sup> \* April 28 [Bill 97]  
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- (*Mr. W. Martin, Mr. Grant Duff, Mr. Hunt*)  
169] c. Read 1<sup>o</sup> Feb. 13, 338 [Bill 18]  
170] Motion, "That the Bill be now read 2<sup>o</sup>," April 22, 526; Amendt. "upon this day six months" (*Sir F. Goldsmid*), 531; Question, "That 'now' &c." agreed to  
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171] Considered in Committee June 10, 674  
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1. Read 1<sup>o</sup> \* June 16; 2<sup>a</sup> \* June 23 (No. 142)  
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Royal Assent July 13 [26 & 27 Vict., c. 41]

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Members:—Mr. G. W. P. Bentinck, Mr. W. Cubitt, Mr. Dalglish, Col. French, Lord R. Montagu, Mr. Onslow, Col. White  
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Navy—Wooden Frames for Iron Ships, Reso-  
lution, [169] 1358

Obsolete Vessels of War, [169] 1108

Portsmouth Dockyard, [169] 1653

"Royal Oak" and "Royal Sovereign," [169]  
408

Supply—Holyhead, Portpatrick, &c. Harbours,  
[171] 466

United States—The Foreign Enlistment Act,  
[170] 68

*Lancashire Distress, see Cotton Manufac-  
turing Districts*

*Land, Tenure of (Ireland)*

Question, Mr. D. Griffith; Answer, Sir R. Peel,  
[169] 575

*Land Drainage (Provisional Orders) Bill*

(*Mr. Bruce, Sir G. Grey*)

c. Read 1<sup>o</sup> \* April 21; 2<sup>o</sup> \* April 23 [Bill 85]

Committee and Report \* May 18

170] Motion, "That the Bill be now read 3<sup>o</sup>"  
May 28, 2071; Amendt. (*Mr. Pease*), 2072;  
After Debate, Amendt. withdrawn; Order  
for Third Reading discharged

. Motion, "That Bill, so far as relates to Mor-  
den Carrs, be referred to a Select Commit-  
tee" (*Mr. Pease*), 2075; Amendt. (*Sir S.  
Northcote*); Question "That the words &c."  
—A. 56, N. 18, M. 38; Bill referred

Committee:—Sir W. Miles, Earl of Dalkeith,  
Sir E. Filmer, Mr. Gregory, Earl Grosvenor  
171] Moved, "That Bill be re-committed to former  
Committee" (*Mr. H. S. Thompson*), June 18,  
1113; Motion withdrawn

Considered in Comm. and reported [Bill 173]

Considered as amended \* June 22

Read 3<sup>o</sup> \* June 23

1. Read 1<sup>o</sup> \* June 25 (No. 160)

Read 2<sup>a</sup> \*, and referred to Select Committee,  
July 2

Report of Select Committee July 13

*Land Drainage (Provisional Orders) Bill—cont.*

l. Committee and Report \* July 16

Read 3<sup>a</sup> \* July 17

Royal Assent July 21 [26 & 27 Vict., c. 63]

*Land Tax (Commissioners' Names Bill*

(*Mr. Peel, Mr. Chancellor of the Exchequer*)

c. Read 1<sup>o</sup> \* July 14; 2<sup>o</sup> \* July 15 [Bill 239]

Committee and Report \* July 20

Considered as amended \* July 21

Read 3<sup>o</sup> \* July 22

l. Read 1<sup>a</sup> \* (*Lord Stanley of Alderley*) July 23

Read 2<sup>a</sup> \* July 24 (No. 246)

Committee negative

Read 3<sup>a</sup> \* July 26

Royal Assent July 28 [26 & 27 Vict., c. 101]

*Landed Property Improvement (Ireland) Bill*

(*Mr. Longfield, Mr. Leader, Mr. Hassard*)

c. Ordered \* June 30

Read 1<sup>o</sup> \* July 2 [Bill 180]

*Landlord and Tenant (Ireland)*

Address for a Royal Commission (*Mr. Maguire*),

[171] 1317; After long Debate—A. 49, N.  
128, M. 79

*LANGTON, Mr. W. H. G., Bristol*

Prison Ministers, 2R. Amendt. [170] 409

*LANIGAN, Mr. J., Cashel*

Irish Church Establishment, Comm. moved

for, Adj. moved, [171] 1716

Outdoor Relief (Ireland), [169] 725

Public Works (Ireland), [171] 1763

*LANDSDOWNE, Marquess of*

Telegraphs, 2R. [170] 1765

*Law and Equity (England and Ireland)*

*Commission*

Question, Mr. Longfield; Answer, The Attor-  
ney General, [170] 773

*Law Courts, State of the*

Observations, Mr. Montague Smith; After  
Debate, Reply, Mr. Solicitor General, [172]  
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*LAWSON, Mr. W., Carlisle*

Licensing Laws, [169] 797; [170] 859; Reso-  
lution, [172] 928

Music and Dancing Licences, [169] 221

Public-houses, 2R. [171] 304

*LAYARD, Mr. A. H. (Under-Secretary for  
Foreign Affairs) Southwark*

Abbeokuta, Vice Consul at, [169] 667

Adams, Mr., the American Minister, [170]  
400

"Alexandra," Seizure of the, [170] 136

American Cruisers and British Merchantmen,  
[170] 588, 589, 590

Argentine Republic—British Claims, [171]  
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Blake, Mr., and the Confederate Authorities, [172] 552, 553  
 Bomarsund, Batteries at, [172] 657  
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 China—British Officers in, [169] 187;—Aid from Russia, 343;—Colonel Burgevine's Corps, 1420, 1756;—Affairs of, [170] 300;—Relations with, 1802; [172] 301;—Trade with, 874  
 Confederate States, Equipment of Vessels for the, [169] 968;—Recognition of the, [171] 1769; Resolution, 1813; [172] 866  
 Coolie Immigration into the Island of Réunion, Papers moved for, [169] 1813  
 Danish Papers, [169] 413  
 Diplomatic Service, Resolution, [169] 1938; [171] 1667  
 Eastwick, Mr., Case of, at Toheran, [172] 661  
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 Fonblanque, Mr., Attack on the late, [170] 773; [171] 516  
 Foreign Affairs, [170] 1960, 1965  
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 France—Fishery Convention with, [170] 305  
 "Gibraltar," Detention of the, [171] 1764  
 Greece—Affairs of, Papers moved for, [169] 1494, 1506, 1507, 1518;—Election of Prince William of Denmark, [170] 136, 308;—Missions to, [171] 1675  
 Herat, Capture of, [172] 1473  
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 Italy—Commercial Treaty with, [169] 423, 430, [171] 1252;—Extradition Treaty with, [169] 726, 727;—Commercial Treaty with France, 872;—Condition of the Southern portion, 1332;—Affairs of Rome, 1421, 1425;—Brigandage in, [170] 1526  
 Japan—Affairs of, [169] 1422; [171] 897; [172] 177;—Protection to British Subjects, 438, 439;—Relations with, Papers moved for, 1194  
 "Margaret and Jessie," Case of the, [172] 252, 875  
 Mexico—Siege of Puebla, [171] 570  
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 Naples—Commerce with, Papers moved for, [170] 1412, 1419  
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 "Peterhoff," Seizure of the, [170] 85, 905, 1153  
 Poland—Russian and Prussian Convention, [169] 644;—and Russia, [170] 86, 1396;—Knout in, [171] 1177;—Explanation, 1253;—Affairs of, 1444; [172] 1359;—General Mouravieff's Instructions, [171] 1524;—Negotiations at St. Petersburg, [172] 64  
 Portugal—British Investments in, [170] 1948  
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 Russell, Mr. O., and the Papal Government, [170] 1840, 1841

[*cont.*]LAYARD, Mr. A. H.—*cont.*

St. Juan, Island of, [169] 1607  
 Salt, Export of, to France, [171] 1047  
 Slave Trade Papers, [170] 859  
 Smyrna, Poll Tax at, [169] 1326, 1327  
 Sombroso, Island of, [170] 1055  
 Supply—Civil Establishments, Western Coast of Africa, [171] 1487;—Salaries of Third Secretaries, Embassies, &c. Abroad, 1490  
 Telegraphic Communication with America, [171] 896;—with Persia, [172] 1473  
 Turkey—Administration of Justice in, [170] 26;—Loan of 1862, 1305;—Lord Hobart's Report, 1953;—Her Dependancies, Papers moved for, [171] 41  
 Union Mercantile Company of Portugal, [172] 604  
 United States—Blockade, [171] 1253; [172] 875  
 White, Captain Melville, Case of, [170] 1152, 1949; [171] 898; [172] 875, 1496  
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LEADER, Mr. N. P., *Cork Co.*Fisheries (Ireland), *Comm. add. cl.* [172] 349

### *Leases and Sales of Settled Estates Act Amendment Bill* [H. L.]

(The Lord Chancellor)

l. Read 1<sup>st</sup> \* March 16 (No. 42)170] Read 2<sup>nd</sup> \* April 24, 671

171] House in Committee June 25, 1424

Moved, to insert clause repealing the 21st section of the Act of 1856 (*Lord Chelmsford*); agreed to  
*new cl.* (Alienation of Land for Railways) (*The Lord Chancellor*); After Debate, Motion withdrawn

Report \* June 26

(No. 158)

Read 3<sup>rd</sup> \* June 29

### *Leases and Sales of Settled Estates Act Amendment Bill*

(Mr. Cox, Sir Morton Peto)

c. Read 1<sup>st</sup> \* May 12 [Bill 119]

171] Moved, "That the Bill be now read 2<sup>nd</sup>" (*Mr. Cox*) June 24, 1420; Amendt. "upon this day three months" (*Visct. Enfield*), 1421; Question, "That 'now' &c."—A. 24, N. 78, M. 54; Words added

Main Question, as amended, agreed to; Second Reading put off for three months

LEATHAM, Mr. E. A., *Huddersfield*

Income Tax, Resolution, [169] 1817

LEFROY, Mr. A., *Dublin University*Births, &c. Registration (Ireland), *Comm.* [169] 556

Civil Bill Courts (Ireland), 2R. [171] 1026

Colonial Bishoprics, [170] 990

Holyhead Harbour, *Comm.* moved for, [170] 1243

Supply—University of London, [171] 938;—

Public Education (Ireland), 1110, 1472, 1473

Uniformity Act, Resolution, [171] 633

LEIGHTON, Sir B., *Salop, S.*

Casual Poor (Metropolis), 2R. [172] 390  
 Poor Law Rating and Assessment, Return moved for, [171] 1186  
 Poor Removal (No. 2), Comm. cl. 1, [171] 1284  
 Prison Ministers, Comm. cl. 3, [170] 1354, 1533; Amendt. 1541; cl. 5, 1542  
 Public Works (Manufacturing Districts), 2R. [171] 1075  
 Register of Voters, Comm. [169] 1056  
 Security from Violence, Comm. cl. 1, [170] 1278, 1280  
 Supply—Embassy Houses Abroad, [171] 369  
 Turnpike Roads, [171] 570  
 Union Relief Aid Act Continuance, Leave, [169] 283  
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LEITRIM, Earl of

Births and Deaths Registration (Ireland), Comm. [169] 1796; 3R. [170] 5  
 Cloone Loan Fund, Returns moved for, [170] 11  
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 Ireland—Police Rewards, Returns moved for, [170] 3, 4  
 Loan Fund Board (Ireland), Commission moved for, [169] 1927, 1928

LENNOX, Lord G. C. H. G., *Chichester*

British Museum Estimates, [169] 1655  
 Greece—Election of Prince William of Denmark, [170] 136, 356  
 \*Naples—Commerce with, Papers moved for, [170] 1421, 1491, 1493  
 Navy Estimates—New Works, [169] 1111, 1113  
 Prison Ministers, Comm. [170] 1330  
 Supply—Civil Service Commission, Report, [170] 105, 109;—Department of Science and Art, [171] 760;—Exhibition Building, [172] 116

*Levees and Drawing Rooms, The Royal*

Question, Mr. Sturt, [169] 798;—Question, Sir M. Farquhar; Answer, Sir G. Grey, 873

LEWIS, Rt. Hon. Sir G. C. (Secretary of State for War) *Radnor, &c.*

Armstrong and Whitworth Guns, [169] 1395  
 Armstrong, Sir W., Resignation of, [169] 571  
 Army Clothing, [169] 1701;—Promotion, 262;—Staff Appointments, 1229;—Accounts of Expenditure, 1253, 1254;—Clothing Factory, Pimlico, 1606;—Command Pay in Cavalry Regiments, 1784  
 Army Estimates, [169] 724;—Land Forces, 1254, 1264, 1266, 1267, 1268, 1269, 1271;—Pay and Allowances, 1276, 1278, 1279, 1280, 1231, 1282, 1283, 1284;—General Staff, 1429, 1432, 1433, 1434, 1440, 1441, 1445;—Commissariat Establishment, 1446, 1456;—Clothing Establishment, 1457, 1458, 1460;—Barrack Establishment, 1545;—Martial Law, 1546;—Medical Establishments, *ib.*;—Disembodied Militia, 1547;—Volunteers, 1703, 1708;—Enrolled Pen-

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Lewis, Rt. Hon. Sir G. C.—*cont.*

sioners, &c. 1709;—Manufacturing Departments, *ib.*, 1713, 1761, 1763, 1769;—Warlike Stores, 1770;—Works, &c. at Home and Abroad, 1775, 1780;—Military Education, 1781;—Surveys, &c. 1782;—Miscellaneous Services, *ib.*;—Administration of the Army, 1783, 1784, 1785;—Superannuation Allowances, 1786;—Report, Volunteers, 1787  
 Barrack Masters, [170] 22  
 Cape of Good Hope—German Settlers at, [169] 1392, 1393  
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 Charteris, Lieut. Col.—Retirement on Half Pay, [169] 1606, 1808  
 China—Prize Money, [169] 966  
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 Ionian Islands—Military Expenditure, [169] 944, 945, 946  
 Lilley, Serjeant Major, Case of, [169] 1744  
 Militia Estimates, Resolution, [169] 198, 202  
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 Secretary at War, Office of, Abolition, 2R. [169] 1980  
 Stoppage of Officers' Pay for Forage, Address moved, [169] 1542, 1543  
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 Volunteer Commission, Report, [169] 221  
 Volunteers in Hyde Park, [169] 1410

*Lewis, Sir George Cornewall, Death of*

On Motion of Mr. WALPOLE, Resolved, *Nemine Contradicente*, "That, out of respect for the memory of the late Right Hon. Sir George Cornewall Lewis, this House do now adjourn," April 14, [170] 136

LEWIS, Mr. J. H., *Marylebone*

Accidents on Railways, Resolution, [172] 602  
 Army—Clothing Factory, Pimlico, [169] 1605;—The Lancaster Gun, [172] 873  
 Army Estimates—Volunteers, [169] 1705  
 Casual Poor (Metropolis), 2R. [172] 392  
 Metropolis Turnpike Roads Acts Amendment, Comm. add. cl. [171] 687, 688  
 Metropolitan Railway Schemes, Papers moved for, [169] 606  
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 Private Bills—Standing Order, [169] 120, 722  
 Procession and Illumination Accidents, Returns moved for, [169] 1865  
 Regent Circus Railway, 2R. Amendment, [169] 1021  
 Seta, Countess Della, v. Lord Vernon, [172] 871  
 Supply—Holyhead, Portpatrick, &c. Harbours, [171] 465  
 Thames Embankment (North Side), Leave, [169] 361  
 Volunteer Force—The Capitation Grant to, [169] 1744  
 Volunteers, Comm. cl. 7, Amendt. [171] 343, 344; cl. 21, 354; cl. 24, Amendt. 365

*Library of the House (LORDS)*

Select Committee appointed to consider of certain Matters relative to the Library of this House and to the Papers and Documents delivered for their Lordships' House June 22

Committee—*L.* Abp. Canterbury, *Ld.* Chancellor, *Ld.* President, *Ld.* Privy Seal, *D.* Richmond, *M.* Bath, *E.* Stanhope, *E.* Malmesbury, *E.* Russell, *V.* Everaley, *L.* Willoughby de Eresby, *L.* Colville of Culross, *L.* Ponsonby, *L.* Wycombe, *L.* Redesdale, *L.* Colchester, *L.* Somerhill, *L.* Brougham and Vaux, *L.* Montague of Brandon, *L.* Cranworth, *L.* St. Leonards, *L.* Wensleydale, *L.* Chelmsford, *L.* Kingsdown.

*Licensing System, The—Laws relating to*

Question, *Mr.* Lawson; Answer, *Sir G.* Grey, [169] 797;—Question, *Mr.* Lawson; Answer, *Sir G.* Grey, [170] 859

*Licensing System, The*

Amendt. on Committee of Supply (July 16)—Resolution (*Mr.* Lawson), [172] 928; After Debate, Question put, "That the words &c."—*A.* 87, *N.* 21, *M.* 66

*LIDDELL, Hon. G. H., Northumberland, S.*

Alkali Works Regulation, Comm. *cl.* 12, [171] 1173

Anchors and Chain Cables, Comm. *cl.* 1, [172] 847; *cl.* 9, 1138

Borough Residence Uniform Measurement, Comm. [170] 1041

China—Relations with, Papers moved for, [170] 1783; [172] 324—British Officers in, [171] 4;—Trade with, [172] 874

Foreign Affairs, [170] 1968

Greenwich Hospital, [171] 1189

Greenwich Hospital, Provision for Widows, 2*R.* [172] 337

Harbours of Refuge, Resolution, [170] 320

India—Memorandum of Dinker Rao, [169] 265;—Financial Statement, [172] 1291

Italy—Commercial Treaty with, [169] 437

Japan—Affairs of, [171] 897;—Relations with, Papers moved for, [172] 1191, 1285

Navy Estimates—Coast Guard Service, &c. [169] 828, 830;—Naval Stores, 849

Newcastle-upon-Tyne (St. Mary Magdalen) Hospital, Comm. *cl.* 9, [171] 1493

Pier and Harbour Orders Compensation, Comm. [171] 964; Consid. 1281

Prize Accounts, Auditor of, [170] 1836, 1837

Sea Fisheries, Commission moved for, [171] 273

Supply—Maintenance of Prisoners in County Gaols, [170] 116;—Memorial to the late Prince Consort, 610; Report, 762;—Royal Parks, [171] 223;—Public Education (Great Britain), 757

Tringanu, Attack on, Papers moved for, [172] 592

Ways and Means—Excise Duties, [170] 843

*LIFFORD, Viscount*

Drainage of Land (Ireland), 2*R.* [169] 960, 961; Report, [170] 378, 379

East Gloucestershire Railway, 2*R.* [169] 718, 719

[*cont.*]*LIFFORD, Viscount—cont.*

Fisheries (Ireland), 2*R.* [172] 855; Comm. 1034; *cl.* 4, 1039; Report 1146; 3*R.* 1241

Illegitimate Children (Ireland), 2*R.* Amendt. [169] 1122, 1124; 3*R.* Amendt. [170] 380

Poor Relief (Ireland) Act Amendment, 2*R.* [169] 1125

*Lights, Buys, and Beacons*

Question, *Mr.* Augustus Smith; Answer, *Mr.* Milner Gibson, [171] 250

*Lilley, Sergeant Major, of the Inniskillen Dragoons*

See *India—Mhow Court Martial*

*LINDSAY, Hon. Major Gen. J., Wigan*

Army Estimates—Pay and Allowances, [169] 1281;—Barrack Establishment, 1544;—Administration of the Army, 1784

Army—Promotion, [169] 262;—Distinguished Service Colonels, 1950; Commission moved for, [170] 860, 876

Engineers, Generals of the, [170] 28

Union Relief Aid Act Continuance, 2*R.* [169] 532

*LINDSAY, Mr. W. S., Sunderland*

Anchors and Chain Cables, 2*R.* Amendt. [172] 401; Comm. *cl.* 1, 845, 846, 847, 848, 849; *cl.* 3, 1136; *cl.* 9, 1137, 1138

Confederate States, Recognition of the, [172] 558, 561, 663, 666

Financial Statement—The Budget, Comm. Resolutions, [170] 263

Fortifications (Provision for Expenses), Comm. Schedule, [172] 696

Greenwich Hospital, [171] 1216

Harwich Harbour, Comm. [171] 1221

Navy Estimates—Men and Boys, [169] 700;—Admiralty Office, 818, 825;—Coast Guard Service, 830, 831;—Naval Establishments at Home, 834;—Artificers, &c. Abroad, 836;

Adj. moved, 837, 839;—Naval Stores, 842, 843; Amendt. 847;—New Works, 1109, 1113

Navy—Wooden Frames for Iron Ships, Resolution, [169] 1333;—Iron-clad Ships, Commission moved for, [170] 919

Obsolete Vessels of War, [169] 1091

Partnership Law Amendment, Comm. [172] 839

Public Works, [172] 585

Supply—Packet Service, Report, [170] 2052;—[Harbours of Refuge, [171] 450; Amendt. 451, 458

Transport Service, [169] 657

Ways and Means, [170] 614;—Sugas, &c. 637

*Lisburn Election Petition—Privilege*

[170] Letter and Documents respecting withdrawal of Lisburn Election Petition read April 16, 167; The same considered April 16, 264; Referred to General Committee of Elections; Report of the General Committee *Parl. P.* No. 246

Report of the General Committee considered May 14, 1724; Motion thereon (*The Attorney General*): Amendt. (*Mr.* Peacocke), 1728; After Debate, Amendt. withdrawn; Main Question put, and agreed to

[*cont.*]

*Lisburn Election Petition—cont.*

- Committee nominated *June 3*:—Visct. Curzon, Visct. Enfield, W. E. Forster, esq., G. Selater-Booth, esq., T. W. Evans, esq., Chairman
- House informed, *June 5*, that the Committee had determined—
- That John Doherty Barbour, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Lisburn
- That the last Election for the said Borough is a void Election
- And the said Determinations were ordered to be entered in the Journals of this House
- 171] Further Resolutions, 403
- Question, Mr. Selater-Booth; Answer, Mr. O'Hagan, 1048
- Motion, "That this House do now adjourn" (*Mr. Baines*)—A. 19, N. 142, M. 123, 1223
- Whereupon Motion, "That Mr. Attorney General for Ireland be instructed to prosecute John Doherty Barbour, Robert Barbour, and Thomas Barbour, for bribery, treating, and undue influence committed by them at the late Election for the Borough of Lisburn" (*Mr. Collins*), 1224
- Motion, "That the Debate be now adjourned" (*Mr. Bagwell*); Motion withdrawn, 1224
- Amend. to leave out the words "Thomas Barbour" (*Mr. Evans*); After short Debate, Question, "That the words proposed to be left out &c." negatived
- Main Question, as amended, put, and agreed to

*Liverpool Licensing Bill*

- Second Reading moved *Feb. 17*; Amendt. "upon this day six months" (*Lord Fermoy*); Question put, "That the word 'now' &c."—A. 108, N. 124, M. 16; Words added; Bill put off, [169] 394

*LLANDAFF, Bishop of*

- Acts of Uniformity Amendment, 2R. [170] 1943
- Burial Service, Commission moved for, [171] 167

*LLANOVER, Lord*

- Dublin Metropolitan Railway, [170] 1767; 3R. 1809
- Fisheries (Ireland), Comm. cl. 9, [172] 1041
- Princess Alexandra, Reception of the, [169] 1223
- Volunteer Commission, Report, [169] 143

*Loan Societies Act*

- Question, Mr. North; Answer, Mr. Peel, [170] 1054

*Loan Societies Bill*

- (*Mr. Bruce, Sir G. Grey*)
- c. Read 1<sup>o</sup> \* *June 24*; 2<sup>o</sup> \* *June 30* [Bill 185]  
Committee and Report \* *July 1*  
Read 3<sup>o</sup> \* *July 2*
- l. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*) *July 3*  
Read 2<sup>o</sup> \* *July 9* (No. 188)  
Committee and Report \* *July 10*  
Read 3<sup>o</sup> \* *July 13*  
Royal Assent *July 21* [26 & 27 Vict., c. 56]

*Local Government Act (1858) Amendment Bill*

- (*Sir G. Grey, Mr. Bruce*)
- c. Read 1<sup>o</sup> \* *March 19* [Bill 69]  
169] Read 2<sup>o</sup>, after short Debate, *March 26*, 1881  
Committee \* *April 13*  
Considered as amended \* *April 15*  
Read 3<sup>o</sup> \*, and passed, *April 16*
- l. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*) *April 17*  
170] Read 2<sup>o</sup> \* *April 21*, 1881 (No. 69)  
Committee \* *April 23*  
Report \* *April 27*  
Read 3<sup>o</sup> \* *April 28*  
Royal Assent *May 11* [26 & 27 Vict., c. 17]  
Parl. Papers—Commons . . . Bill 69  
As amended in Committee . . . Bill 77  
Lords' Amendt. . . . . Bill 99  
Lords . . . . . No. 69  
As amended in Committee . . . No. 78

*Local Government Supplemental Bill*

- (*Mr. Bruce, Sir G. Grey*)
- c. Read 1<sup>o</sup> \* *April 21*; 2<sup>o</sup> *April 23* [Bill 84]  
Re-committed to a Select Committee *May 4*  
Committee:—Sir B. Leighton, Mr. Asst. Mr. C. Bailey, Earl of Bective, Sir G. Montgomery  
Report \* *June 4*; re-committed [Bill 151]  
Committee and Report \* *June 9*  
Read 3<sup>o</sup> \* *June 10*
- l. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*) *June 11*  
Read 2<sup>o</sup> \* *June 18* (No. 130)  
Committee and Report \* *June 19*  
Read 3<sup>o</sup> \* *June 22*  
Royal Assent *June 29* [26 & 27 Vict., c. 32]  
Parl. Papers—Commons . . . Bill 84  
As amended by Select Committee Bill 151  
Lords . . . . . No. 130

*Local Government Supplemental (No. 2) Bill*

- (*Mr. Bruce, Sir G. Grey*)
- c. Read 1<sup>o</sup> \* *June 12*; 2<sup>o</sup> \* *June 17* [Bill 165]  
Committee and Report \* *June 19*  
Read 3<sup>o</sup> \* *June 22*
- l. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*) *June 23*  
Read 2<sup>o</sup> \* *June 29* (No. 154)  
Committee \* *June 30*; Report \* *July 2*  
Read 3<sup>o</sup> \* *July 3*  
Royal Assent *July 21* [26 & 27 Vict., c. 17]

*LOCKE, Mr. J., Southwark*

- Address in answer to the Speech, Report, [169] 154
- Affirmations, 2R. [169] 1209
- Borough Residence Uniform Measurement, 2R. [170] 543
- Carlton House Terrace, [170] 994
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- 170] l. House in Committee, after Debate, May 12, 1877  
 171] c. Motion, "That the Bill be now read 2<sup>o</sup>," June 18, 1839; Amendt. "upon this day three months" (Mr. Ayrton); After short Debate, Amendt. withdrawn  
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- 172] Motion, "That the Bill be now read 3<sup>o</sup>," July 20, 1046; Amendt. to leave out "now read the third time," in order to add "re-committed to a Committee of the Whole House" (Sir John Shelley); After short Debate, Question, "That the words &c." put, and agreed to.  
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- c. Read 1<sup>o</sup> \* Feb. 20 [Bill 27 & 197]  
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**London, &c. Dioceses Bill [H.L.]**

(The Lord President)

- l. Read 1<sup>o</sup> \* April 17; 2<sup>o</sup> \* April 27 (No. 68)  
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*June 23, [171] 1379*; After short Debate, Motion withdrawn

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Committee nominated *July 13* :—*Sir Fitz-Roy Kelly*, Mr. Chancellor of the Exchequer, Colonel Barttelot, Mr. Hutt, Mr. Cobbold, Mr. Childers, Sir Stafford Northcote, Mr. Caird, Mr. Ker Seymour, Mr. Buxton, Sir Frederick Heygate, Mr. Calthorpe, Colonel Dunne, Mr. Dodson, Mr. Beach, Mr. Puller, Mr. Edward Egerton, Mr. Cobbett, and Mr. Stirling  
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c. Ordered \* *Feb. 24*

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Considered in Committee \* *March 20 [a.p.]*

Considered in Committee *March 23, [169]*

1787; Bill reported

Read 3<sup>o</sup> \* *March 24*

l. Read 1<sup>o</sup> \* (*The Duke of Somerset*) *March 26*

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**Marriages (Ireland) Bill**

(*Sir E. Grogan, Mr. Vance, Mr. Longfield*)

c. Read 1<sup>o</sup> \* *Feb. 23* [Bill 32]

Order for Second Reading discharged, and Bill withdrawn, *March 26*

**Marriages, &c. (Ireland) Bill [Sir Edward Grogan]**

(*Sir E. Grogan, Mr. Vance, Mr. Longfield*)

c. Read 1<sup>o</sup> \* *Feb. 26* [Bill 40]

169] Read 2<sup>o</sup>, after short Debate, *March 5, 1118*

170] Considered in Committee, *April 22, 545*

cl. 1 agreed to

cl. 2, after Debate, agreed to, 545

cl. 3, 4, and 5 agreed to

cl. 6, Amendt. to omit "an ordained" (*Mr. Butt*), agreed to, 548; cl., as amended, agreed to

cl. 7, Proviso added; cl., as amended, agreed to

cl. 8, Amendt. (*Sir Edward Grogan*), agreed to, 548; cl., as amended, agreed to

Remaining Clauses agreed to

Bill reported, with amended title [Bill 88]

Considered as amended *April 29, 979*

cl. added

new cl. (*Sir Edward Grogan*); Amendt. (*Mr. Butt*), negatived; cl. added

Another cl. added

Amendt. (*Mr. Butt*); Question put, "That the words &c."—A. 70, N. 50, M. 20

Amendt. (*Sir Hugh Cairns*), agreed to

[cont.]

*Marriages, &c. (Ireland) Bill*—cont.

Further considered as amended \* April 30  
 Read 3<sup>a</sup> \*, and passed, May 4  
 170] Read 1<sup>a</sup> \* (*The Earl of Donoughmore*) May 5  
 Read 2<sup>a</sup> \* May 11 (No. 93)  
 Committee and Report \* May 18  
 Read 3<sup>a</sup> \*, and passed, May 19  
 Royal Assent June 8 [26 & 27 Vict., c. 27]  
 Parl. Papers—*Commons* . . . Bill 40  
 As amended in Committee . . . Bill 88  
 Lords . . . No. 93

*Marriages Registration (Ireland) Bill*

[*Mr. Monsell*]  
 (*Mr. Monsell, Lord Naas, Mr. Herbert*)  
 169] c. Read 1<sup>o</sup> Feb. 26, 856 [Bill 39]  
 Read 2<sup>o</sup> \* May 6  
 Committee \* May 11; re-committed [Bill 118]  
 Considered in Committee June 17  
 cl. 1 to 6 agreed to  
 171] cl. 7, Amendt. (*Sir E. Grogan*), 1020;  
 After Debate—A. 31, N. 105, M. 74; cl.  
 agreed to  
 Remaining Clauses agreed to.  
 Bill reported \* June 17  
 Read 3<sup>o</sup> \* June 18  
 l. Read 1<sup>a</sup> \* (*The Earl of Devon*) June 19  
 Read 2<sup>a</sup> \* July 10 (No. 147)  
 Committee \* July 14; Report \* July 16  
 Read 3<sup>a</sup> \* July 17 (No. 219)  
 Royal Assent July 28 [26 & 27 Vict., c. 90]

**MARSH, Mr. M. H., Salisbury**

Australian Colonies, The, [170] 1054;—Con-  
 victs in, [172] 431  
 Borough Residence Uniform Measurement,  
 Comm. [170] 1039  
 Income Tax, [170] 632  
 Poisoned Grain Prohibition, 2R. [172] 385  
 Prison Ministers, Comm. cl. 3, [170] 1532  
 Security from Violence, Comm. cl. 1, [170]  
 1278  
 Tobacco Duties, 2R. [169] 713  
 Union Relief Aid Acts Continuance, Comm.  
 [172] 754

**MARTIN, Mr. P. W., Rochester**

Augmentation of Benefices, Comm. cl. 3, [172]  
 1153  
 Beer, Sale of, [169] 410  
 Bills of Exchange, &c. (Metropolis), 2R. [169]  
 855  
 Casual Poor (Metropolis), 2R. [172] 393  
 Corrupt Practices at Elections, Consid. cl. 11,  
 [169] 1895  
 Customs and Inland Revenue, Comm. cl. 3,  
 [170] 1119  
 Innkeepers' Liability (No. 1), Leave, [169]  
 338; 2R. [170] 526; Explanation, 771;  
 Comm. add. cl. [171] 675  
 Lisburn Election, Resolution, [171] 1223  
 Mutiny (East India) Act Repeal, Comm. Adj.  
 moved, [171] 1222  
 Navy Estimates—Artificers, &c. at Home,  
 [169] 836, 838  
 Prison Ministers, Comm. cl. 3, [170] 1354  
 Public-houses, 2R. [171] 298  
 Supply—Civil Service Estimates, [171] 380;—  
 Rates for Government Property, 739, 745

**MASSEY, Mr. W. N. (Chairman of Com-  
mittees) Salford**

Army Estimates—Land Forces, [169] 1267;—  
 Commissariat Establishment, 1455;—Works,  
 &c. at Home and Abroad, 1774  
 British Columbia Boundaries, Comm. cl. 1,  
 [172] 1328  
 Corrupt Practices at Elections, Comm. add. cl.  
 [169] 1646  
 Fisheries (Ireland), Comm. cl. 6, [171] 1757;  
 cl. 9, 1759  
 Great Eastern Railway (Steamboats), Consid.  
 [172] 862; Amendt. 1048  
 Great Western, West Midland, and South  
 Wales Railway Companies Amalgamation,  
 Lords' Amendts. [172] 858  
 Liverpool Licensing, 2R. [169] 396  
 London, Chatham, and Dover Railway (No. 1),  
 2R. [172] 3, 247  
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 1039; 3R. [172] 1047  
 Metropolitan Railway Schemes, Papers moved  
 for, [169] 610  
 Morayshire Railway, Consid. Amendt. [172]  
 866  
 North British Railway, Consid. [172] 865  
 Partnership Law Amendment, Comm. cl. 9,  
 [172] 842  
 Private Bills—Standing Order 120, [169] 722,  
 723; [172] 1205  
 Regent Circus Railway, 2R. [169] 1026  
 South Eastern Railway, 2R. [169] 403  
 Statute Law Revision, Comm. [172] 1222;  
 Schedule, 1226  
 Supply—Packet Service, [170] 1884;—Pur-  
 chase of Land, &c., Exhibition of 1851, [171]  
 937;—University of London, 938;—Certain  
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 tingencies, [172] 544;—Post Office Packet  
 Service, 1026  
 Thames Conservancy, 2R. [169] 495  
 Thames Embankment (North Side), Comm. cl.  
 10, [170] 1721  
 Union Relief Aid Act Continuance, Comm.  
 add. cl. [169] 970, 972  
 Ways and Means—Income Tax, [170] 650

*Maynooth College Act*

Motion for Committee to consider Act 8 & 9  
 Vict. (*Mr. Whalley*), [171] 261; After Debate  
 —A. 100, N. 198, M. 98  
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**MELVILLE, Viscount**

Prison Ministers, 2R. [171] 513  
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*Merchant Ships, Defence of*

Question, Lord Alfred Churchill; Answer, The  
 Solicitor General, [170] 673

*Meteorological Department*

Question, Mr. Augustus Smith; Answer, Mr.  
 Milner Gibson, [171] 250

*Metropolis Turnpike Roads Acts Amend-  
ment Bill*

(*Mr. G. Hardy, Sir W. Jolliffe*)  
 c. Read 1<sup>o</sup> \* March 3, and referred to the Exa-  
 miners of Petitions for Private Bills, [169]  
 1039 [Bill 47]

*Metropolis Turnpike Roads Acts Amendment Bill*  
—cont.

- Read 2<sup>o</sup> \* March 16, and committed to a Select Committee  
Committee :—Mr. Wrightson, Lord Henley, Sir W. Joliffe, Mr. F. Russell, Mr. Tolle-mache  
Report of Select Comm. May 13, *Parl. P. No.* 186  
Bill considered in Committee \* on re-committal June 3  
Considered in Committee on re-committal June 10, [171] 687  
cl. 7 (Toll-houses, &c. to be removed), Amendt. (Mr. Cox); Question, "That the words &c." —A. 54, N. 11, M. 43  
add. cl. (Mr. Harvey Lewis), [171] 687—A. 12, N. 41, M. 29  
Bill reported \* June 10  
Considered as amended \* June 15  
Read 3<sup>o</sup> \* June 17  
I. Read 1<sup>o</sup> \* (Earl of Lonsdale) June 18 (No. 145)  
Read 2<sup>o</sup> \* June 29  
Report of Select Committee \* July 10  
Committee \* July 13; Report \* July 14  
Read 3<sup>o</sup> \* July 16  
Royal Assent July 28 [26 & 27 Vict., c. 78]  
Parl. Papers—Commons . . . Bill 47  
Report of Select Committee . . . No. 186  
As amended by Select Comm. Bill 131  
Lords . . . . . No. 145

*Metropolis, The*

- Alexandra, The Princess, Entry of*—see *Alexandra, The Princess*  
*Austin Friars, Demolition of the Church of*, Question, Mr. D. Fortescue; Answer, Mr. Cowper, [171] 1786  
*Battersea Park, Cricket in*, Question, Mr. Cox; Answer, Mr. Cowper, [170] 579  
*Bayswater and Kensington, Road between*, Question, Lord Robert Cecil; Answer, Mr. Cowper, [172] 1474  
*Bow Street Police Court*, Question, Sir George Bowyer; Answer, Sir G. Grey, [171] 1528  
*Bridge Street Westminster*, Question, Sir J. Shelley; Answer, Mr. Cowper, [169] 1067  
*Cabs, Infection in*, Question, Mr. Brady; Answer, Sir G. Grey, [172] 185;—Question, Sir A. Agnew; Answer, The Attorney General, [171] 700;—see *Diseases Prevention (Metropolis) Bill*  
*Cabs in Pall Mall*, Question, Lord E. Thynne; Answer, Sir G. Grey, [172] 1313  
*Carriage Road from St. James's Park to Charing Cross*, Question, Sir Harry Verney; Answer, Mr. Cowper, [172] 440  
*Dead Meat Market in the City*, Question, Sir M. Peto; Answer, Sir G. Grey, [170] 1840  
*Ludgate Hill, Proposed Viaduct across*, Explanation, Lord Chelmsford, [170] 378; Petitions (Bishop of London, Lord Chelmsford); Debate thereon, [170] 1735  
*Municipal Precedence—Dublin, Edinburgh, London*, Question, Mr. Black; Answer, Sir G. Grey, [171] 1789;—Question, Mr. Brown-Westhead; Answer, Sir G. Grey, [172] 1496  
*Park Lane, South Entrance to*, Question, Mr. Goddard; Answer, Mr. Cowper, [169] 1332  
*Police, City and Metropolitan*, Question, Col. French; Answer, Sir G. Grey, [170] 773

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*Metropolis, The*—cont.

- Procession and Illumination Accidents (The Prince and Princess of Wales)*—see *Procession*  
*Residences of Deceased Celebrities*, Question, Mr. W. Ewart; Answer, Mr. Cowper, [172] 986  
*Small-pox in*, Question, Gen. Buckley; Answer, Mr. Villiers, [170] 1950  
*Small-pox Patients in Public Vehicles*, Question, Sir A. Agnew; Answer, The Attorney General, [171] 700;—Question, Mr. Brady; Answer, Sir G. Grey, [172] 185  
*Statue in Leicester Square*, Question, Mr. Addington; Answer, Mr. Cowper, [172] 659  
*Statues and Paintings in*, Question, Mr. W. Ewart; Answer, Mr. Cowper, [172] 1495  
*Street Music in the*, Observations, Mr. Bass; Reply, Mr. H. A. Bruce, [172] 972  
*Westminster New Palace Approaches*, Motion for a Select Committee (Mr. Tite) June 23, [171] 1382; On Question—A. 40, N. 15, M. 25; Select Committee appointed

*Metropolitan and City of London Police Amalgamation Bill*

- 170] c. Motion for leave (Sir George Grey), April 21, 481; After long Debate, Bill ordered (Sir George Grey, Mr. Bruce)  
Read 1<sup>o</sup> \* April 22 [Bill 89]  
Question, Sir J. Duke; Answer, Sir G. Grey, 1056;—Question, Colonel French; Answer, Sir G. Grey, 1056

*Metropolitan and City Police*

- Question, The Earl of Dalhousie; Answer, Earl Granville, [169] 1595  
Observations, Sir De Lacy Evans; Reply, Sir G. Grey, [169] 1396, 1404

*Metropolitan Bridges and Railways*

- Question, Mr. Tite; Answer, Mr. Cowper, [169] 496;—Question, Visct. Enfield; Answer, Mr. M. Gibson, 1028

*Metropolitan Buildings—Finsbury Circus*

- Question, Capt. Jervis; Answer, Mr. Cowper, [169] 411

*Metropolitan Main Drainage [Guarantee of Repayment of Money]*

- Considered in Committee; Resolution (Chancellor of Exchequer) June 30, [171] 1843  
Reported \*; Bill ordered thereon, July 1

*Metropolitan Main Drainage Extension Bill*

- c. Read 1<sup>o</sup> \* July 7; 2<sup>o</sup> \* July 8 [Bill 215]  
Committee and Report \* July 9  
Read 3<sup>o</sup> \* July 10  
I. Read 1<sup>o</sup> (Lord President) July 13 (No. 208)  
Read 2<sup>o</sup>, after short Debate, July 16, [172] 856  
Committee and Report \* July 17  
Read 3<sup>o</sup> \* July 20  
Royal Assent July 21 [26 & 27 Vict., c. 68]

*Metropolitan Railway Communication*

- Question, Lord Stratheden; Answer, Earl Granville, [170] 194  
Select Committee appointed April 16, "to inquire whether any, and, if any, which of the

[cont.]

*Metropolitan Railway Communication—cont.*

Schemes now before Parliament for the Construction of Lines of Railway within the Limits of the Metropolis, can be proceeded with in the present Session without the Risk of interfering with the future Adoption of a comprehensive Plan of Metropolitan Railway Communication; and to consider what Provision can be made for the securing such a comprehensive System, with the greatest Advantage to the Public, and the least Inconvenience to the local Arrangements of the Metropolis" (*Earl Granville*), [170] 194

Committee:—*Ld. President*, D. Buckingham and Chandos, E. Devon, E. Shaftesbury, E. Cowper, E. Carnarvon, E. Grey, E. Lonsdale, E. Stradbroke, V. Eversley, L. Wodehouse, L. Redesdale, L. Colchester, L. Somerhill, L. Stanley of Alderley, L. Belper, L. Lyveden, L. Taunton

## Several Bills referred

First Report (No. 70-I.) April 20

Second Report (No. 70-II.) April 24

Third Report (No. 70-III.) July 16

Observations, *Earl Granville*; Reply, *Lord Campbell*, [170] 855;—Question, *Lord Stratheden*; Answer, *Earl Granville*, 1817

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Report, *Col. Yolland* . . . [3121]

Report on Private Bills . . . No. 197

Report, *Mr. Bazalgette* . . . No. 107

*Metropolitan Railway Schemes*

Amendt. on Comm. of Supply (Feb. 20)—Motion for Reports (*Mr. Harvey Lewis*), [169] 608; Question, "That the words &c." put, and negatived; Words added; Main Question, as amended, put, and agreed to, 613

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*Mr. Bazalgette's Report*. . . . No. 197

*Metropolitan Railways*

Motion for an Address for a Commission to inquire into and report upon the Principles which ought to guide further Legislation on the Subject of Metropolitan Railways (*Lord Campbell*) July 27, [172] 1453; After Debate, Motion withdrawn

*Metropolitan Railways and the Dwellings of the Poor*

Petition (*The Earl of Shaftesbury*) referred, [169] 1019

*Mexico*

*Puebla, Siege of*, Question, *Mr. R. P. Long*; Answer, *Mr. Layard*, [171] 570

*Midwifery Bill*

(*Visct. Raynham, Mr. Brown-Westhead*)

c. Read 1<sup>o</sup> June 22 [Bill 180]

Bill withdrawn June 26

*MILES, Sir W., Somersetshire, E.*

Cholera in the Punjab, [169] 1129

Election Petitions, 3R. [171] 687; Comm. 1019

Fortifications on Brean Downs, [171] 1044

Highways Act, [171] 976

Supply—Report, Resolution 7, [171] 956

*Militia Ballots Suspension Bill*

(*Marquess of Hartington, Judge Advocate*)

c. Read 1<sup>o</sup> June 30; 2<sup>o</sup> July 1

Committee and Report June 2

Read 3<sup>o</sup> July 3

L. Read 1<sup>o</sup> (*Earl de Grey*) July 6 (No. 190)

Read 2<sup>a</sup> July 7

Committee and Report July 9

Read 3<sup>a</sup> July 10

Royal Assent July 13 [26 & 27 Vict., c. 53]

*Militia Estimates—Preparation of*

Resolution to discontinue Select Committee (*Sir G. Lewis*) Feb. 9, [169] 198

*Militia Officers*

Question, *Colonel Dickson*; Answer, *The Marquess of Hartington*, [172] 680;—*Promotion*, Question, *Mr. Pollard-Urquhart*; Answer, *The Marquess of Hartington*, 1472

*Militia Pay Bill*

(*Mr. Massey, Sir G. Lewis, Judge Advocate*)

c. Ordered March 24

Read 1<sup>o</sup> June 11; 2<sup>o</sup> June 15

Committee and Report June 18

Read 3<sup>o</sup> June 19

L. Read 1<sup>o</sup> (*Earl de Grey*) June 22

Read 2<sup>a</sup> June 23

Committee and Report June 25

Read 3<sup>a</sup> June 26

Royal Assent June 29 [26 & 27 Vict., c. 37]

*Militia, Tyrone Artillery*

Question, *Mr. Getty*; Answer, *Sir R. Peel*, [172] 871

*Milliners and Dressmakers*

Motion for an Address (*The Earl of Shaftesbury*); After short Debate, Motion withdrawn, [171] 1745

*Milliners' Workrooms and Dormitories*

Observations, *The Earl of Shaftesbury*, [171] 1305;—Question, *Mr. Bagwell*; Answer, *Sir G. Grey*, 1315;—*Condition of Milliners and Dressmakers*, Question, *Mr. Kinnaird*; Answer, *Sir G. Grey*, [172] 1362

*MILLS, Mr. A., Taunton*

Army Estimates—Land Forces, [169] 1271;—Commissariat Establishment, Amendt. 1446, 1448, 1454, 1456;—Works, &c. at Home and Abroad, 1778

Breach of Privilege—*Mr. E. J. Reed*, [169] 878

British Kaffraria, [170] 1301

Business, Order of, [171] 812

Circuit Regulations Commission, [169] 308

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Convicts, Sentences on, [169] 1331

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Hudson's Bay Company, [171] 1618

India—The Budget, [171] 1044;—Council for, Commission moved for, [172] 778, 784, 792

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 India—Medical Service, [169] 1325  
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 Amendt. [170] 196  
 Telegraphs, Comm. cl. 7, [169] 1790  
 Uniformity Act Amendment, 2R. [171] 1396

**MILNES, Mr. R. M., *Pontefract***  
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 Brazil—Conduct of Mr. Christie, [170] 1303 ;  
 Papers moved for, [172] 924  
 Civil Service Competition, Resolution, [172] 966  
 Foreign Affairs, [170] 1965  
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 India—Officers of the late Indian Army, [171]  
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 1405

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 Questions, Mr. H. B. Sheridan ; Answer, Sir  
 G. Grey, [172] 1363

***Misappropriation by Servants Bill***  
 (Mr. Staniland, Sir M. Cholmeley, Colonel  
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c. Read 1<sup>o</sup> \* June 9 [Bill 156]  
 Read 2<sup>o</sup>, after short Debate, June 24, [171]  
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 Committee and Report \* June 26 [Bill 193]  
 Considered as amended \* July 8  
 Read 3<sup>o</sup> \* July 9 [Bill 264]  
 With Lords' Amendts.  
 l. Read 1<sup>o</sup> \* (*The Earl of Airlie*) July 10  
 Read 2<sup>o</sup> \* July 16 (No. 204)  
 Committee \* July 17 (No. 227)  
 Report \* July 20  
 Read 3<sup>o</sup> \* July 21  
 Royal Assent July 28 [36 & 27 Vict., c. 103]

**MITFORD, Mr. W. T., *Midhurst***  
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 Security from Violence, Comm. cl. 1, Amendt.  
 [170] 1279  
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 Gallery, 1480, 1481 ;—British Museum,  
 [172] 648

**MOFFATT, Mr. G., *Honiton***  
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 [169] 1466 ;—Clothing Establishment, 1459 ;  
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 [169] 549 ; cl. 9, 618 ; cl. 18, 621 ; cl. 23,  
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 3R. [171] 473  
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 1763 ; cl. 30, [172] 169 ; add cl. 171, 172,  
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 [172] 477  
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 Illegitimate Children (Ireland), Comm. cl. 1,  
 [169] 345  
 Ireland—Public Records, Return moved for,  
 [172] 876  
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 [171] 1715, 1716  
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 1006  
 Religious Endowments (Ireland), Comm. moved  
 for, [170] 2020  
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 ham, [172] 1470, 1471  
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 —Public Education (Ireland), 1092, 1109,  
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 Uniformity Act Amendment, 2R. [171] 1396  
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**MONTAGU, Lord R., *Huntingdonshire***  
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 "Alexandra," Seizure of the, [170] 136  
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 Question, Mr. Locke ; Answer, Mr. Layard,  
 [172] 1363

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 Trout, &c. Fishing (Scotland), 2R. Amendt.  
 [171] 965



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**MOORE, Mr. J. B., Lincoln**  
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**Morayshire Railway Bill [Lords] (by Order)**

c. Bill, as amended, considered July 16, [172] 866,  
Amendt. after "sea," to insert "otherwise than  
by steam vessels" (*Mr. Massey*)—Question  
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M. 27

**MORRISON, Mr. W., Plymouth**  
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[172] 1229, 1274, 1275  
Uniformity Act, Resolution, [171] 610

**MORRITT, Mr. W. J. S., Yorkshire, N. R.**  
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**MOWBRAY, Rt. Hon. J. R., Durham City**  
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**MUNDY, Mr. W., Derbyshire, S.**  
Union Relief Aid Act Continuance, Leave, [169]  
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(*Mr. Aug. Smith, Mr. Cox, Mr. Dillwyn*)  
c. Read 1<sup>o</sup> Feb. 13 [Bill 19]  
169] Motion, "That the Bill be now read 2<sup>o</sup>"  
(*Mr. Cox*) March 3, 1040; Amendt. "upon  
this day six months" (*Mr. G. Hardy*); After  
Debate, Question put, "That 'now' &c."—  
A. 58, N. 93, M. 35; Words added  
Main Question, as amended, put, and agreed  
to; Bill put off for six months

**Municipal Elections (No. 2) Bill**  
(*Mr. W. Martin, Mr. Collins, Mr. Serj. Kinglake*)  
c. Read 1<sup>o</sup> April 20 [Bill 83]  
Bill withdrawn \* May 8

**Municipal Precedence—Edinburgh, Dublin,  
London**

Question, Sir A. Agnew; Answer, Sir G. Grey,  
[171] 700;—Question, Mr. Brown-West-  
head; Answer, Sir G. Grey, [172] 1496

**MURE, Mr. D., Buteshire**  
Edinburgh Botanic Garden—Opening on Sun-  
days, Resolution, [171] 540  
MacLachlan, Jessie, Case of, Papers moved for,  
[170] 699, 700; [171] 808, 1559  
Prison Ministers, Comm. cl. 2, Amendt. [170]  
1336, 1348

**MURRAY, Mr. W., Newcastle-under-Lyme**  
Bankruptcy Returns, [169] 1551;—Statistics,  
[172] 1056  
Chancery Fund Commissioners, [171] 518  
Partnership Law Amendment, Comm. cl. 9,  
[172] 841

**Music and Dancing Licences**  
Question, Visct. Eufield; Answer, Sir G. Grey  
[169] 221

**Mutiny Bill**  
(*Mr. Massey, Sir G. Lewis, Judge Advocate*)  
c. Ordered \* March 11  
Read 1<sup>o</sup> \* March 12; 2<sup>o</sup> \* March 16  
Considered in Committee March 19, and re-  
ported, without Amendment, [169] 1649  
Read 3<sup>o</sup> \* March 19  
l. Read 1<sup>o</sup> \* (*Earl de Grey*) March 24  
Read 2<sup>a</sup> \* March 26  
Committee and Report \* April 14  
Read 3<sup>a</sup> \*, and passed, April 16  
Royal Assent April 20 [26 & 27 Vict., c. 8]

**Mutiny (East India) Act Repeal Bill**  
(*Mr. Baring, Sir C. Wood, Judge Advocate*)  
c. Read 1<sup>o</sup> \* June 15; 2<sup>o</sup> \* June 18 [Bill 166]  
Committee—Motion, "That Mr. Speaker do  
now leave the Chair," June 19  
Motion, "That this House do now adjourn"  
(*Mr. Wykeham Martin*); Motion withdrawn;  
Main Question agreed to  
Bill considered in Committee, and reported \*  
Read 3<sup>o</sup> \* June 22  
l. Read 1<sup>o</sup> \* (*The Duke of Argyll*) June 23  
Read 2<sup>a</sup> \* July 3 (No. 153)  
Committee and Report \* July 6  
Read 3<sup>a</sup> \* July 7  
Royal Assent July 13 [26 & 27 Vict., c. 48]

**NAAS, Right Hon. Lord, Cockermouth**  
Births, &c. Registration (Ireland), Leave, [169]  
209; Comm. Instruction, 547, 549; cl. 9,  
619; cl. 18, Amendt. 620; cl. 23, Amendt.  
621; Consid. cl. 23, Amendt. 1017  
Business, Order of, [171] 810, 812  
China—Relations with, [170] 1801; [172] 270;  
—British Officers in, [170] 1951  
Civil Bill Courts (Ireland), 2R. [171] 1027  
Drainage and Improvement of Land (Ireland),  
2R. [170] 1575  
Fisheries (Ireland), Comm. cl. 4, [171] 800, 801,  
804, 969; cl. 9, 1781; cl. 16, 1763; cl. 31,  
[172] 169, 170; add. cl. 172, 349, 350, 353  
Holyhead Harbour, Comm. moved for, [170]  
1244  
Ireland, Condition of, Comm. moved for, [171]  
861  
Japan, Relations with, [172] 658  
Marriages Registration (Ireland), Comm. cl. 7,  
[171] 1021  
Naval Officers on Foreign Stations, [172] 775  
Salmon Fisheries (Ireland), 2R. [169] 247;  
Comm. 1984; [170] 1141  
Scientific Institutions in Dublin, [170] 24  
Small-pox and Vaccination, [170] 673  
Supply—Public Education (Ireland), [171] 1111  
Tringau, Attack on, Papers moved for, [172]  
593  
Vaccination (Ireland), 2R. [169] 1793; [170]  
651  
Watchmen in Towns (Ireland), 3R. Amendt.  
[171] 1222

**Nagle, Mr., Employment of**  
Question, Mr. Fitzwilliam; Answer, Mr. C.  
Fortescue, [171] 808

*National Gallery—Purchase of Pictures*

Observations, Mr. C. Bentinck; Reply, Mr. Coningham, [172] 934

*Naval Architecture, School of*

Question, Sir J. Pakington; Answer, Lord Clarence Paget, [171] 518

*Naval Coast Volunteers Act Amendment Bill [H.L.]*

(*The Duke of Somerset*)

- i. Read 1<sup>st</sup> Feb. 23 (No. 19)  
 169] Read 2<sup>nd</sup>, after Debate, March 2, 1862  
 Committee and Report<sup>e</sup> March 3  
 Read 3<sup>rd</sup> March 5  
 c. Read 1<sup>st</sup> March 6; 2<sup>nd</sup> March 9  
 Committee and Report<sup>e</sup> March 12  
 . Motion, "That the Bill be now read 3<sup>rd</sup>,"  
 March 16, 1847; Amendt. "upon this day  
 six months" (*Mr. H. Berkley*), 1548;  
 Question, "That 'now' &c." put, and  
 agreed to  
 Bill read 3<sup>rd</sup> March 16, and passed  
 Royal Assent March 27 [26 & 27 Vict., c. 5]

*Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment Bill*

(*Lord C. Paget, Marquess of Hartington*)

- c. Read 1<sup>st</sup> April 27 [Bill 93]  
 170] Second Reading deferred, after Debate, April  
 30, 1866  
 . Motion, "That the Bill be now read 2<sup>nd</sup>" (*Lord  
 C. Paget*), 1140; Amendt. "upon this day  
 six months" (*Mr. Lygon*); Amendt. with-  
 drawn  
 Bill read 2<sup>nd</sup> May 4  
 Committee and Report<sup>e</sup> May 7  
 Read 3<sup>rd</sup> \*, and passed, May 14  
 i. Read 1<sup>st</sup> (*Duke of Somerset*) May 15 (No. 102)  
 171] Read 2<sup>nd</sup>, after short Debate, June 25, 1846  
 Committee<sup>e</sup> July 2; Report<sup>e</sup> July 3  
 Read 3<sup>rd</sup> July 6 (No. 184)  
 Royal Assent July 28 [26 & 27 Vict., c. 111]

*Navy Prize Agents Bill*

(*Sir John Hay, Admiral Duncombe, Sir J. Elphinstone*)

- 171] c. Read 1<sup>st</sup> June 1, 245 [Bill 147]  
 . Read 2<sup>nd</sup>, after Debate, June 17, 1808  
 Committee and Report<sup>e</sup> July 1  
 Committee (on re-comm.) and Report<sup>e</sup> July 8  
 Considered as amended<sup>e</sup> July 9  
 Read 3<sup>rd</sup> July 10  
 i. Read 1<sup>st</sup> (*Lord Chelmsford*) July 13 (No. 210)  
 172] Read 2<sup>nd</sup>, after short Debate, July 20, 1831  
 . Considered in Committee July 21, 1142  
 Reported<sup>e</sup> July 23  
 Read 3<sup>rd</sup> July 24  
 Royal Assent July 28 [26 & 27 Vict., c. 116]  
 Parl. Papers—Commons . . . Bill 147  
 As amended in Committee . . . Bill 199  
 As amended on Re-Comm. . . Bill 219  
 Lords' Amendments . . . Bill 274  
 Lords . . . No. 210  
 As amended in Committee . . . No. 235

*Navy*

*Admiralty, Board of*—Moved, "That a Select Committee be appointed to inquire into the constitution of the Board of Admiralty, and into the different Departments under the control of the Board" (*Mr. Dalglish*) June 9, [171] 657; Debate adjourned;—Debate resumed June 24, 1898; After long Debate, Motion withdrawn

*Chalmers Target*, Question, M. A. Turner; Answer, Lord C. Paget, [170] 1768;—Question, Mr. Maguire; Answer, Lord C. Paget, [170] 1299

*Channel Fleet, The*, Question, Sir H. Bruce; Answer, Lord C. Paget, [172] 776

*Channel Fleet in the Baltic*, Question, The Earl of Malmesbury; Answer, Earl Russell, [172] 614

*Clare, Mr., Case of—The "Warrior,"* Question, Mr. Coningham; Answer, Lord C. Paget, [172] 656

*Constructors of the Navy*, Motion for Returns (*Mr. Ferrand*) July 20, [172] 1138; After Debate—A. 14, N. 23, M. 9

*Cupola and Broadside Ships*, Question, Mr. Addington; Answer, Lord C. Paget, [170] 858;—Question, Sir J. Hay; Answer, Lord C. Paget, [172] 873

*Devonport Dockyards Men*, Question, Mr. Ferrand; Answer, Lord C. Paget, [169] 1030

*Dock and Victualling Craft*, Question, Mr. Ferrand; Answer, Lord C. Paget, [170] 304

*Dockyard Apprentices*, Question, Sir A. Buller; Answer, Lord C. Paget, [172] 1159

*Dockyard Police, Superintendents of*, Amendt. on Comm. of Supply (Feb. 23)—Resolution (*Sir J. Elphinstone*), [169] 654; Question, "That the words &c." put, and agreed to

*Dockyard Promotion*, Question, Mr. Ferrand; Answer, Lord C. Paget, [169] 724;—Question, Mr. Ferrand; Answer, Lord C. Paget, [172] 1167

*Dockyards, Superannuation in*, Question, Mr. Hennessy; Answer, Lord C. Paget, [172] 1361

*Flogging in the*, Observations, Mr. W. Williams, [169] 668

*Flogging on Board the "Majestic,"* Question, Mr. Hadfield; Answer, Lord C. Paget, [170] 1580

*Haslar Hospital*, Explanation, Sir J. Hay, 818

*Iron-clad Ships*, Address for a Royal Commission (*Sir J. Elphinstone*) April 28, [170] 898; Amendt. (*Lord R. Montagu*), 905; After long Debate, Amendt. and Motion withdrawn

*Iron-plated Ships*, Question, Sir J. Elphinstone; Answer, Lord C. Paget, [170] 27;—Question, Mr. Longfield; Answer, Lord C. Paget, 399

*Masters in the Royal Navy*, Question, The Lord Mayor (*Mr. Ald. Rose*); Answer, Lord C. Paget, [170] 197

*Naval Barracks*, Question, Mr. Addington; Answer, Lord C. Paget, [170] 988

*Naval Command in the Mediterranean*, Question, Sir J. Hay; Answer, Lord C. Paget, [170] 19

*Naval Courts of Inquiry*, Question, The Earl of Hardwicke; Answer, the Duke of Somerset; Long Debate thereon, [170] 381;—Question, Capt. Jervis; Answer, Lord C. Paget; Debate thereon, [170] 1969

## Navy—cont.

- Naval Models at Somerset House*, Question, Lord R. Montagu; Answer, Lord C. Paget, [170] 992
- Naval Officers on Foreign Stations*, Question, Lord Naas; Answer, Lord C. Paget, [172] 775
- Naval Prize Money*, Question, Sir J. Hay; Answer, Lord C. Paget, [169] 1065—see *Navy Prize Agents Bill*
- Naval Reserve and the Blue Ensign*, Question, Mr. Cave; Answer, Lord C. Paget, [170] 1301
- Nautical School at Greenwich*, Question, Sir Morton Peto; Answer, Mr. Stansfeld, [172] 1466
- Obsolete Vessels of War*, Observations, Mr. Cobden, [169] 1071
- Ordnance*—see *Ordnance—Select Committee*
- "Orpheus," Loss of H.M.S.*, Question, The Earl of Ellenborough; Answer, The Duke of Somerset, [170] 375
- Portsmouth Dockyard*, Question, Mr. Laird; Answer, Lord C. Paget, [169] 1652;—Question, Mr. Corry; Answer, Lord C. Paget, [172] 1465
- Prize Accounts, Auditor of the*, Question, Mr. Liddell; Answer, Lord C. Paget, [170] 1836
- Promotion and Retirement, Resolution (Sir J. Hay) Feb. 24*, [169] 731; Amendt. (*Viscount Palmerston*), 749; After long Debate, Question, "That the words &c." put, and negatived; Words added; Main Question, as amended, put, and agreed to; Select Committee appointed
- Nominated *March 2*:—Mr. Walpole, Sir F. Baring, Sir J. Pakington, Lord C. Paget, Sir J. Hay, Mr. Stansfeld, Sir J. Elphinstone, Mr. Ayrton, Sir H. Willoughby, Sir H. Verney, Sir W. Miles, Mr. Finlay, Mr. Maguire, Mr. Dodson, and Mr. Scourfield;—Mr. C. Berkeley added, *April 24*
- Report of Select Committee *July 24*  
*Parl. P. No. 501*
- Papers relating to, *Parl. P. 51*
- Reed, Mr., Appointment of*, Question, Sir F. Smith; Answer, Lord C. Paget, [169] 572;—see *Privilege, Breach of*
- "Royal Oak," The, and the "Royal Sovereign,"* Question, Mr. Layard; Answer, Lord C. Paget, [169] 408
- Sailors' Homes*, Question, Sir H. Stracey; Answer, Lord C. Paget, [169] 146
- School of Naval Architecture*, Question, Sir J. Pakington; Answer, Lord C. Paget, [170] 990
- Shoeburyness, Trials at*, Question, Sir J. Pakington; Answer, Lord C. Paget, [169] 1653
- Wierman, Captain Sir W.*, Question, Sir F. Smith; Answer, Lord C. Paget, [170] 1689
- Wooden Frames for Iron Ships*, Amendt. on Committee of Supply *Mar. 12 (Mr. Lindsay)*, 1333; After long Debate, Question put, "That the words &c."—A. 154, N. 81, M. 73, [169] 1390; Main Question put, and agreed to

## NEWCASTLE, Duke of (Secretary of State for the Colonies)

- Albert Bridge, Re-Comm. [170] 1052
- British Columbia Boundaries, 2R. [172] 48, 56, 57, 60, 62; 3R. 536

## NEWCASTLE, Duke of—cont.

- Convict System—Tickets of Leave, [169] 257
- Duchy of Cornwall Management, 2R. [170] 1738; Comm. [171] 384; cl. 8, 391; cl. 39, 393, 394, 395; Report, 564, 565, 566, 568; Amendt. 796
- Illegitimate Children (Ireland), 2R. [169] 1211, 1123; 3R. [170] 380
- Ionian Islands—Removal of Judges, Papers moved for, [170] 282, 293, 294, 296; [171] 1745, 1746, 1747, 1751, 1752; [172] 415, 417, 423, 430;—Cession of the, [171] 1200, 1734, 1741
- New South Wales, Victoria, and South Australia, Petitions, [169] 1805
- New Zealand—Affairs of, [171] 1600, 1610
- Offences (South Africa), 2R. [170] 871
- Passengers Act Amendment, 2R. [172] 243
- Princess Alexandra, Reception of the, [169] 1222
- Royal Victoria Patriotic Asylum, [171] 400
- Subscription to Formularies of Faith, [172] 165
- Vice Admiralty Courts, 2R. [170] 1044
- Western Australia—Transportation, [169] 861

## Newcastle upon Tyne (Saint Mary Magdalen Hospital) Bill

(Mr. Lowe, Mr. Bruce)

- c. Read 1<sup>o</sup> \* *June 11* [Bill 162]  
[171] Read 2<sup>o</sup>, after short Debate, *June 18*, 1113
- Considered in Committee *June 25*
- cl. 1 to 8 agreed to
- cl. 9 (Sale of the Advowson), Amendt. (*Mr. Lygon*), 1493; After short Debate, Amendt. withdrawn; cl. agreed to
- cl. 10 and 11 agreed to
- Schedule—Amendt. (*Mr. Lygon*), 1494; On Question, "That paragraph 12 stand part of the Schedule"—A. 59, N. 11, M. 48
- Bill reported \* *June 25*
- Considered as amended \* *June 26*
- Read 3<sup>o</sup> \* *June 30*
- l. Read 1<sup>o</sup> \* *July 2* (No. 181)

## NEWDEGATE, Mr. C. N., Warwickshire, N.

- Address in answer to the Speech, Report, [169] 157
- American Cruisers and British Merchantmen, Papers moved for, [170] 587
- Appropriation of Supplies, Resolution, [169] 1864
- Army Estimates—Manufacturing Departments, [169] 1761
- Army Expenditure, Accounts of, 1254
- Brazil—Conduct of Mr. Christie, [169] 1311
- Burials, 2R. [170] 149
- Church Rates Abolition, 2R. [170] 978
- Church Rates Commutation, [169] 333; 2R. [170] 1247, 1271
- Church Rates, Recovery of, Leave, [172] 365
- Church Rates Redemption, 2R. [170] 1274
- Confederate States, Recognition of the, Resolution, [171] 1840; [172] 565, 666, 673
- Cotton Manufacturing Districts, Resolution, [170] 834
- Dartmoor Prison, Papers moved for, [170] 1245
- Dissenting Chapels, &c., Returns moved for, [172] 1198, 1199, 1200

NEWDEGATE, Mr. C. N.—*cont.*

- English Church Services in Wales, Comm. *cl.* 1, [170] 1733  
 Fisheries (Ireland), Discharge of Order for Comm. [171] 711  
 Foreign Affairs, [170] 1960  
 Fortification and Works, Leave, [172] 335  
 Fortifications (Provision for Expenses) 2R. [172] 471; Comm. 20, 680, 681, 684; Schedule, 697  
 Game Laws, Comm. moved for, [169] 1560, 1572  
 Harvey, Mr. Case of, [170] 1769  
 India—Civil Fund, [171] 5  
 Inspectors of Schools' Reports, [171] 733  
 Irish Church Establishment, Comm. moved for, [171] 1590, 1591  
 Italy—Commercial Treaty with, [169] 430  
 Land Drainage (Provisional Orders), 3R. [170] 2074  
 Licensing System, Resolution, [172] 932  
 Maynooth College Act, Resolution, [171] 236  
 Outbreak in a Roman Catholic Reformatory, [170] 674  
 Poland—Affairs of, Address moved, [169] 892, 906, 919; [171] 1261; Resolution, [172] 1126  
 Prince and Princess of Wales' Annuities, Comm. [169] 789  
 Prison Ministers, Leave, [169] 466; 2R. [170] 436; Comm. *cl.* 2, 1337, 1346; *cl.* 3, 1357, 1363, 1533; Consider. *cl.* 3, 1692; 3R. 1843  
 Public-houses, 2R. [171] 317  
 Public Works (Manufacturing Districts), 2R. [171] 1074  
 Qualification for Offices Abolition, 2R. Amendt. [169] 469; 3R. Amendt. 1045, 1052  
 Religious Endowments (Ireland), Comm. moved for, [170] 2003  
 Roman Catholic Burying Ground at Sydenham, [172] 1469, 1470, 1471, 1472  
 Subscription to Formularies of Faith, [172] 1392  
 Tobacco Duties, 2R. [169] 999  
 Transportation and Penal Servitude, Resolution, [169] 1246  
 Uniformity Act, Resolution, [171] 599; 2R. 1391  
 Union Relief Aid Act Continuance, 2R. [169] 541  
 Union Relief Aid Acts Continuance, Comm. [172] 755  
 United States—The Foreign Enlistment Act, [170] 96

## New Members Sworn

- Feb. 5. William Cubitt, esq., Andover  
 William Anderson Rose, esq., Southampton  
 John Pender, esq., Totnes  
 Henry Riversdale Grenfell, esq., Stoke-upon-Trent  
 Sir Edward Chalmers Dering, bart., Kent (Eastern Division)  
 Alfred Seymour, esq., Totnes  
 Feb. 6. D. W. Paok Beresford, esq., Carlou Co.  
 Feb. 9. G. W. G. Leveson Gower, esq., Reigate  
 Feb. 13. F. S. Powell, esq., Cambridge Borough  
 Feb. 16. Lord George Manners, Cambridge Co.  
 Feb. 17. William Ferrand, esq., Devonport  
 Feb. 19. W. H. P. Gore Langton, esq., Somerset (Western Division)  
 Feb. 23. J. Abel Smith, esq., Chichester

[*cont.*]New Members Sworn—*cont.*

- Feb. 24. Hon. W. Wells Addington, *Devizes*  
 Feb. 26. J. Doherty Barbour, esq., *Lisburn*  
 Mar. 26. Marquess of Hartington, *Lancaster Co. (Northern Division)*  
 Apr. 14. Col. Hon. Henry Boyle Bernard, *Bandon Bridge*  
 Apr. 23. Lord Frederick John Fitzroy, *Thetford*  
 Apr. 27. Ion Trant Hamilton, esq., *Dublin Co.*  
 Apr. 29. James Stansfeld, esq., *Halifax*  
 May 5. Richard Green Price, esq., *New Radnor*  
 May 14. Edward O'Neill, esq., *Antrim*  
 May 28. Right Hon. Thomas O'Hagan, *Tralee*  
 June 2. George Joachim Goschen, esq., *London*  
 June 11. Lieutenant Colonel Charles George Tottenham, *New Ross*  
 June 12. Sir George Conway Colthurst, baronet, *Kinsale*  
 July 2. William Walter Cargill, esq., *Berwick-upon-Tweed*  
 July 2. Edward Wingfield Verner, esq., *Lisburn*

## New South Wales

- Australia and New Zealand Postal Service*, Question, Mr. Maguire; Answer, Mr. C. Fortescue, [169] 343  
*Export of Gold*, Question, Mr. T. Hankoy; Answer, Chancellor of Exchequer, [169] 641  
*New South Wales, Victoria, and South Australia—Separation of Districts*, Petitions and Observations, Earl Grey; Reply, The Duke of Newcastle, [169] 1803  
*Sydney Branch Mint*, Question, Mr. Alderman Salomons; Answer, Chancellor of Exchequer, [169] 641

## New Writs during the Recess

- For Stoke-upon-Trent, v. John Lewis Ricardo*, esquire, deceased  
*For Southampton Town, v. Brodie McGhie Willcox*, esquire, deceased  
*For Totnes, v. Thomas Mills*, esquire, deceased  
*For Andover, v. Henry Beaumont Coles*, esquire, deceased  
*For Kent (Eastern Division), v. William Deedes*, esquire, deceased  
*For Totnes, v. Earl of Gifford*, deceased  
*For Reigate, v. Hon. William John Monson*, now Lord Monson

## New Writs ordered

- Feb. 5.—*For Devonport, v. Vice Admiral Sir Michael Seymour*, Chiltern Hundreds  
 Feb. 6.—*For Cambridge Borough, v. Andrew Steuart*, esquire, Manor of Hempholme  
 Feb. 5.—*For Somerset (Western Division), v. Charles Aaron Moody*, esquire, Manor of Northstead  
 Feb. 5.—*For Cambridge County, v. Edward Ball*, esquire, Chiltern Hundreds  
 Feb. 11.—*For Lisburn, v. Jonathan Richardson*, esquire, Manor of Northstead  
 Feb. 12.—*For Devizes, v. John Neilson Gladstone*, esquire, deceased  
 Feb. 16.—*For Bandon Bridge, v. Colonel William Smyth Bernard*, deceased  
 Feb. 16.—*For Chichester, v. Humphrey William Freeland*, esquire, Manor of Hempholme

*New Writs ordered—cont.*

- March 16—For Lancaster County (Northern Division), v. Marquess of Hartington, Commissioner of the Admiralty*  
*April 14—For Dublin County, v. James Hans Hamilton, esquire, Chiltern Hundreds*  
*April 15—For Thetford, v. Earl of Euston, now Duke of Grafton*  
*April 20—For New Radnor, v. Sir G. C. Lewis, deceased*  
*April 23—For Halifax, v. James Stansfeld, esquire, Commissioner of the Admiralty*  
*April 24—For Antrim County, v. Major General Upton, now Viscount Templeton, a Peer of Ireland*  
*May 8—For Tralee, v. Daniel O'Connell, esquire, Manor of Northstead*  
*May 28—For London, v. Western Wood, esquire, deceased*  
*May 28—For Kinsale, v. Sir John Arnott, Manor of Hempholme*  
*May 28—For New Ross, v. Charles Tottenham, esquire, Chiltern Hundreds*  
*June 15—For Lisburn, v. John Doherty Barbour, esquire, void Election*  
*June 22—For Berwick-on-Tweed, v. Charles William Gordon, esquire, deceased*  
*July 20—For Clare County, v. Francis McNamara Calcutt, esquire, deceased*  
*July 28—For Pontefract, v. Richard Monckton Milnes, esquire, Steward of Northstead*

*New Zealand*

- Disturbances in, Question, Mr. Arthur Mills; Answer, Mr. C. Fortescue, [172] 953;—Question, Mr. W. E. Forster; Answer, Mr. C. Fortescue, 1278*  
*Postal Service with, Question, Mr. Maguire; Answer, Mr. C. Fortescue, [169] 343*  
*Resignation of Sir G. Grey, Question, Colonel Wilson Patten; Answer, Mr. C. Fortescue, [169] 574*  
*Taranaki, Petition from, Lord Lyttelton, [171] 1598*

*New Zealand Boundaries Bill*

(Duke of Newcastle)

- l. Read 1<sup>st</sup> April 20; 2<sup>nd</sup> April 24 (No. 73) Committee and Report April 27*  
*Read 3<sup>rd</sup>, and passed, April 28*  
*c. Read 1<sup>st</sup> May 7; 2<sup>nd</sup> May 8 [Bill 112] Committee and Report May 18*  
*Read 3<sup>rd</sup> June 1*  
*Royal Assent June 8 [26 & 27 Vict., c. 32]*

*New Zealand [Guarantee of Loan]*

- c. Considered in Committee\*; Resolution thereon July 16*  
*Resolution reported\* July 17*  
*Observations, Sir John Trelawny; Answer, Mr. C. Fortescue, [172] 948*

*Nicol, Mr. W., Dover*

Supply—Packet Service, [170] 1908

*Niger Expedition, The*

Question, Lord A. Churchill; Answer, Lord Clarence Paget, [169] 797

*NORMANBY, Marquess of*

- Greece, Affairs of, [172] 338, 339, 615*  
*Ionian Islands—Paper moved for, [171] 1740*  
*Italy—Affairs of Rome, [169] 374, 377, 378, 386, 393; Explanation, 474, 475, 790;—Despatches, 1062;—Case of Mr. Bishop, [170] 1501, 1524; [171] 872, 966; Explanation, 1288*  
*Poland—Affairs of, [170] 1869*

*NORRIS, Mr. T. J., Abingdon*

- Beer, Sale of, Licences for, [169] 1228*  
*Metropolitan and City of London Police Amalgamation, Leave, [170] 505*  
*Metropolitan Railway Schemes, Papers moved for, [169] 612*  
*Prison Ministers, Comm. cl. 3, [170] 1536*  
*Procession and Illumination Accidents, Returns moved for, Amendt. [169] 1867*  
*South Eastern Railway, 2R. [169] 403*  
*Thames Conservancy, 2R. [169] 494*  
*Thames Embankment (North Side), Leave, [169] 359; Comm. [170] 1709*

*NORTH, Col. J. S., Oxfordshire*

- Army—Distinguished Service Colonels, Commission moved for, [170] 864*  
*Army Estimates—Land Forces, [169] 1271;—Volunteers, 1707;—Enrolled Pensioners, &c. 1709;—Works, &c. at Home and Abroad, 1771, 1777, 1779;—Military Education, 1781;—Miscellaneous Services, 1783;—Administration of the Army, ib., 1784*  
*Army Prize Money, Commission, moved for, [172] 792*  
*Burmese Prize Money, [169] 797*  
*Cavalry Regiments, Command Pay in, Resolution, [169] 1753, 1754*  
*Farquharson, The Convict, [169] 1129; [170] 1849*  
*Mhow Court Martial—Sergeant Major Lilley, [171] 865, 869;—Col. Crawley, 1438, 1439*  
*Patriotic Fund, The, [172] 653*  
*Procession and Illumination Accidents, Returns moved for, [169] 1868*  
*Security from Violence, 2R. [169] 1307; Comm. cl. 1, [170] 1278, 1279, 1280*  
*Stoppage of Officers' Pay for Forage, Address moved, [169] 1543*  
*Volunteers, Comm. cl. 10, [171] 346*

*NORTH, Mr. F., Hastings*

Loan Societies Act, [170] 1054

*North British Railway (Steamboats) Bill [Lords] (by Order)*

- c. Bill re-committed to the former Committee July 16, [172] 865; Instruction*

*NORTHCOTE, Sir S. H., Stamford*

- Army Prize Money, Commission moved for, [172] 795*  
*Australia, Communication with—Panama, Suez, and Cape Routes, [172] 1012*  
*Business, Order of, [171] 809*  
*Casual Poor, 2R. [172] 396*  
*China—Vote of Credit, [170] 1951*  
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- c. Read 1<sup>o</sup> June 22 ; 2<sup>o</sup> July 1 [Bill 179]  
 Committee and Report\* July 2 [Bill 203]  
 Committee (on re-comm.) and Report\* July 10  
 Considered as amended\* July 13 [Bill 231]  
 Read 3<sup>o</sup> July 16  
 l. Read 1<sup>o</sup> (Earl of Devon) July 17 (No. 226)  
 Read 2<sup>o</sup> July 20  
 Committee and Report\* July 23 (No. 249)  
 Read 3<sup>o</sup> July 24  
 Royal Assent July 28 [26 & 27 Vict., c. 117]

Oaths of Allegiance and Supremacy Bill  
(The Lord Campbell)

- l. Read 1<sup>o</sup> June 22, [171] 1228 (No. 150)

Oaths Relief in Criminal Proceedings  
(Scotland) Bill

(Mr. E. Craufurd, Mr. Crum-Ewing, Mr. Baxter)

- c. Read 1<sup>o</sup> March 20 [Bill 74]  
 Read 2<sup>o</sup>, after short Debate, March 26, [169] 1981  
 Committee and Report\* April 15  
 Considered as amended\* April 16  
 Read 3<sup>o</sup>\*, and passed, April 17  
 l. Read 1<sup>o</sup> (Lord Wensleydale) April 20  
 Read 2<sup>o</sup> June 30 (No. 72)  
 Committee\* July 3 ; Report\* July 6  
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## Offences (South Africa) Bill [H.L.]

(The Duke of Newcastle)

- l. Read 1<sup>o</sup>\* April 20 (No. 74)  
 170] Read 2<sup>o</sup>\* April 24, 671  
 Committee and Report\* April 27  
 Read 3<sup>o</sup>\*, and passed, April 28  
 c. Read 1<sup>o</sup>\* (Mr. Chichester Fortescue) May 7  
 Read 2<sup>o</sup>\* May 8 [Bill 113]  
 . Considered in Committee, and reported, May 18, 1922  
 171] Moved, "That the Bill be now read 3<sup>o</sup>," June 1, 240 ; Amendt. "upon this day three months" (Mr. Adderley), 240 ; Amendt. withdrawn [Bill 113]  
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 . Bill considered in Committee June 5, 474  
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*Offences (South Africa) Bill—cont.*

- Bill considered in Committee and reported \*  
June 11  
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Read 3<sup>o</sup> \* June 17  
1. Returned from the Commons; agreed to, with  
Amendments \* June 18 (No. 143)  
Commons' Amendments considered, and agreed  
to \* June 25  
Royal Assent June 29 [26 & 27 Vict., c. 35]

*Office of Secretary at War Abolition Bill*  
(Sir G. Lewis, The Judge Advocate)

- c. Read 1<sup>o</sup> \* March 20 [Bill 72]  
169] Read 2<sup>o</sup>, after short Debate, March 26, 1880  
Committee and Report \* April 18  
Read 3<sup>o</sup> \*, and passed, April 17  
1. Read 1<sup>o</sup> \* (Earl De Grey) April 20  
170] Read 2<sup>o</sup> \* April 23, 553 (No. 71)  
Committee and Report \* April 24  
Read 3<sup>o</sup> \*, and passed, April 27  
Royal Assent May 4 [26 & 27 Vict., c. 12]

*Officers of Royal Naval Reserve Bill*  
(Lord C. Paget, Mr. Stansfeld)

- c. Read 1<sup>o</sup> \* May 28; 2<sup>o</sup> \* June 9 [Bill 142]  
Committee and Report \* June 10  
Read 3<sup>o</sup> \* June 11  
1. Read 1<sup>o</sup> \* (Duke of Somerset) June 12 (No. 131)  
Read 2<sup>o</sup>, after short Debate, June 23, [171]  
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Committee \* June 25; Report \* June 26  
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Royal Assent July 21 [26 & 27 Vict., c. 69]

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*Opposed Private Bills (LORDS) — Com-  
mittee of Selection*

The Lords following—namely, L. Colville of  
Culross, L. Ponsonby, L. Colchester, L. Stanley  
of Alderley—appointed, with the Chairman of  
Committees, a Committee to select and propose  
to the House the Names of the Five Lords to  
form a Select Committee for the Consideration  
of each Opposed Private Bill, March 2

*Ordinance—Select Committee*

Select Committee appointed Feb 20, "to  
inquire into the expenditure incurred since the  
beginning of 1859 on various natures of improv-  
ed Ordnance, whether obtained by contract or  
manufactured in the Public Departments, and  
into the results obtained by such expenditure."

Committee nominated Feb. 26 :—Mr. Monsell,  
Sir George Lewis, General Peel, Captain Jervis,  
Mr. Baring, Sir Frederic Smith, Mr. Dodson,  
Sir John Hay, Lord Robert Cecil, Mr. Laird,  
Major O'Reilly, Mr. Beecroft, Sir Morton Peto,  
and Mr. Vivian :—Colonel Dunne added, Feb.  
27; Marquess of Hartington added, April 23

Report of Select Committee July 23; Parl.  
P. No. 487

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**Partnership Law Amendment**

Considered in Committee\*; Bill ordered, Feb. 19

**Partnership Law Amendment Bill**

(*Mr. Scholefield, Mr. Murray, Mr. Stansfeld*)  
c. Read 1<sup>o</sup> Feb. 19 [Bill 26]

169] Motion "That the Bill be now read 2<sup>o</sup>"  
(*Mr. Scholefield*) March 24, 1869; Amendt.

*Partnership Law Amendment Bill*—cont.

"upon this day six months" (*Mr. Buchanan*);  
After long Debate, Question, "That the word  
'now' &c." put—A. 56, N. 39, M. 17

Bill Read 2°

Committed to Select Committee \* *March 25*

Members:—*Mr. T. Baring, Mr. Buchanan, Mr. Cave, Mr. W. Forster, Mr. George, Mr. M. Gibson, Mr. G. G. Glyn, Mr. K. Hodgson, Mr. Malins, Mr. Moffatt, Mr. Murray, Mr. Potter, Mr. Scholefield, Mr. Vance, Mr. Weguelin*

Report of Select Comm. \* *June 18* [Bill 172]

Committee \* *June 26*

Considered in Committee (on re-comm.)  
*July 3*

172] Motion, "That the Chairman do report Progress" (*Mr. Crum-Ewing*)—A. 32, N. 19;  
M. 13, 241

Committee report Progress

Considered in Committee (on re-comm.) *July 15*

Motion, "That the Chairman do now leave the Chair" (*Mr. Hubbard*), 830; After Debate,  
Question put—A. 40, N. 70, M. 30

cl. 1 to 8, inclusive, agreed to

cl. 9, Amendt. after "registered," leave out to  
end of Clause (*Mr. Goschen*), 840; After  
short Debate, agreed to; *cl.*, as amended,  
agreed to

cl. 10, 11, and 12, agreed to

cl. 13 (General Partners only to be made  
bankrupt), After short Debate, *cl.* agreed  
to, 842

cl. 14 and 15 agreed to; *cl. 16* struck out

Remaining Clauses agreed to

*new cl.* (Recovery of Penalties) agreed to, 843

Bill reported [Bill 242]

Considered as amended \* *July 20*

Read 3° \* *July 23*

1. Read 1° \* *July 24* (No. 250)

*Passengers Act Amendment Bill*

(*Mr. C. Fortescue, Mr. M. Gibson*)

e. Read 1° \* *May 28* [Bill 143]

Read 2° \* *June 4*

171] Considered in Committee *June 22, 1275*

cl. 3 (Definition of Passenger Ship), Amendt.  
(*Mr. Cave*), agreed to

cl. 8 (as to Horses and Cattle), Amendt. (*Mr. C. Fortescue*), agreed to; Amendt. (*Mr. Cave*), agreed to, 1276; Amendts. (*Mr. Cave*), agreed to

Addition to *cl. 11* (*Mr. Cave*), withdrawn,  
1270; Amendt. (*Mr. C. Fortescue*), agreed  
to

Remaining clauses agreed to

Bill reported \* *June 22*

Considered as amended \* *June 23*

Read 3° \* *June 24*

1. Read 1° \* (*Duke of Newcastle*) *June 25*

172] Read 2° \* *July 6, 243* (No. 163)

Committee and Report \* *July 7*

Read 3° \* *July 9*

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171] ington, *Sir J. Pakington*, 192;—Question,  
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cl. 9, [171] 1520, 1521; *add. cl.* 1522, 1523;

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e. Read 1° \* *July 13*; 2° \* *July 15* [Bill 234]

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Considered as amended \* *July 20*

Read 3° \* *July 21*

1. Read 1° \* (*The Lord President*) *July 23*

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#### *Petty Offences Bill*

(Mr. Whalley, Mr. Hodgkinson)

- c. Read 1<sup>o</sup> \* July 14 [Bill 240]  
 Motion, "That the Bill be now read 2<sup>o</sup> \* July 21, [172] 1203; Amendt. to leave out "now," and add "upon this day month" (Mr. Bruce), 1204; After short Debate, Amendt. and Motion withdrawn  
 Bill withdrawn

#### *Petty Sessions (Ireland) Bill*

(Mr. Attorney Gen. for Ireland, Sir R. Peel)

- c. Read 1<sup>o</sup> \* July 13; 2<sup>o</sup> \* July 16 [Bill 235]  
 Committee and Report \* July 17  
 Read 3<sup>o</sup> \* July 20  
 l. Read 1<sup>o</sup> \* (Lord Steward) July 21 (No. 242)  
 Read 2<sup>o</sup> \* July 23  
 Read 3<sup>o</sup> \* July 24  
 Royal Assent July 28 [26 & 27 Vict., c. 96]

PHILLIPS, Mr. G. L., *Pembrokeshire*

Corrupt Practices at Elections, 2R. [169] 518

#### *Pier and Harbour Orders Confirmation*

- c. Considered in Committee \*; Resolution thereon  
 Bill ordered

#### *Pier and Harbour Orders Confirmation Bill*

(Mr. M. Gibson, Mr. Hunt)

- c. Read 1<sup>o</sup> \* May 6; 2<sup>o</sup> \* May 12 [Bill 109]  
 Orders 4 and 5 referred to a Select Committee \*  
 (Mr. Milner Gibson) May 15

#### *Pier and Harbour Orders Confirmation Bill—cont.*

Committee:—Mr. Cobbold (Chairman), Mr. Chapman, Mr. Coningham, Sir Hugh Owen, Mr. Wyld

Bill reported \* June 2 [Bill 148]

Considered in Committee June 15

- 171 Moved, That so much of the Bill as relates to Rhyll Pier and the Provisional Order referring thereto be struck out (*Lord R. Grosvenor*), 964; After Debate, Amendt. negatived

. Bill, as amended, considered June 22, 1279

Moved, "That the Bill be re-committed in respect of the Schedule, so far as the same relates to the Pier at Rhyll" (*Mr. Bass*)—A. 50, N. 19, M. 31

. Bill considered in Committee, 1282

Moved, "That the Schedule be amended, by inserting the Provisional Order relating to the Pier at Rhyll" (*Mr. Bass*)—A. 50, N. 28, M. 22

Bill reported

Considered as amended \* June 23

Read 3<sup>o</sup> \* June 24

- l. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*) June 25 (No. 164)

Read 2<sup>o</sup> \* July 7, and referred to Select Committee

Report of Select Committee July 16 (No. 220)

Committee \* July 17; Report \* July 20

Read 3<sup>o</sup> \* July 21

Royal Assent July 28 [26 & 27 Vict., c. 104]

#### *Piggott, Mr. Serjeant G., Reading*

Borough Residence Uniform Measurement, 2R.

Amendt. [170] 538

Corrupt Practices at Elections, 2R. [169] 519;

Comm. cl. 8, 1632; *cl.* 11, 1634

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Ways and Means—Excise Duties, [170] 845

#### *Pilotage Orders Confirmation Bill*

(Mr. Milner Gibson, Mr. Hunt)

- c. Resolution in Committee \* July 2

Read 1<sup>o</sup> \* July 3; 2<sup>o</sup> \* July 6 [Bill 206]

Bill withdrawn \* July 9

#### *Poisoned Grain Prohibition Bill*

(Mr. Paull, Mr. Selator Booth, Mr. Walter)

- c. Read 1<sup>o</sup> \* April 23 [Bill 90]

Bill withdrawn \* May 13

#### *Poisoned Grain, &c. Prohibition Bill*

(Mr. Paull, Mr. Selator Booth, Mr. Walter)

- c. Read 1<sup>o</sup> \* May 13 [Bill 121]

172 Read 2<sup>o</sup> after Debate, July 8, 377

Committee and Report \* July 9 [Bill 223]

. Order for Committee (on re-comm.) read; Motion, "That Mr. Speaker do now leave the Chair," July 16, 937; Amendt. to leave out from "That," to add "this House will

[*cont.*]

**Poisoned Grain, &c. Prohibition Bill—cont.**

upon this day two months resolve &c." (*Sir Fitz-Roy Kelly*); Question proposed, "That the words &c."

Motion, "That this House do now adjourn" (*Mr. Ayrton*); After short Debate, withdrawn

Question, "That the words &c." put, and agreed to

. Bill considered in Committee July 16, 1838

cl. 1 agreed to

. cl. 2 (Penalty), Amendt. after "life" to insert "save as hereafter mentioned" (*Sir Fitz-Roy Kelly*), 1838

. After short Debate, Motion, "That the Chairman do report Progress" (*Mr. Paget*)—A. 22, N. 32, M. 10, 1838

Question put, "That those words be there inserted"—A. 1, N. 37, M. 36

Bill reported

Read 3<sup>d</sup> \* July 20

l. Read 1<sup>st</sup> \* (*Lord Redesdale*) July 21 (No. 243)

Read 2<sup>d</sup> \* July 23

Committee and Report \* July 24

. Read 3<sup>d</sup> \* July 25, 1831

Moved, to omit from cl. 3 the words "ground or" (*The Earl of Cork*); On Question—Cont. 4, Not-Cont. 13, M. 9; Resolved in the Negative

Bill passed

Division List—Cont. and Not-Cont.

Royal Assent July 28 [26 & 27 Vict., c. 113]

**Poisoning Bill**

(*Visct. Raynham, Mr. Wykeham Martin*)

c. Read 1<sup>st</sup> \* June 22 [Bill 181]

Motion, "That the Bill be now read 2<sup>d</sup>" (*Visct. Raynham*) June 30, [171] 1841; Amendt.

"upon this day three months" (*Sir G. Grey*);

After short Debate, Question "That 'now' &c." negatived; Words added

Main Question, as amended, agreed to; Bill put off for three months

**Poland**

LORDS—

*Affairs of*, Question, The Earl of Ellenborough; Answer, Earl Russell, 560;—Observations, The Earl of Ellenborough; Explanation, Earl Russell, 857;—Petitions, The Marquess of Normanby, Earl of Shaftesbury

170] bury; long Debate thereon, 1869;—Question, The Earl of Ellenborough; Answer,

171] Earl Russell, 479;—Observations, Earl Russell, 1611;—Notice of Motion (Marquess of Clanricarde), withdrawn, 1612;—

172] Observations, Earl Russell, 509;—Motion for an Address for Copies of any further Papers with regard to Poland (*Earl Grey*) July 13, 620; After long Debate, Motion withdrawn;—Motion for an Address for "Copies of any Reports that may have been received from our Diplomatic or Consular Agents on the Continent of Atrocities committed or threatened by Russians or Poles since 1st May" (*The Marquess of Clanricarde*) July 24, 1838;—Question, The Marquess of Clanricarde, 1340; After Debate, Motion withdrawn

*Alleged Russian Cruelties*, Question, Visct. Stratford de Redcliffe; Answer, Earl Russell, [171] 1114

**Poland—cont.**

*Convention between Russia and Prussia*, Question, The Earl of Carnarvon; Answer, Earl Russell, [171] 688

*Mouravieff's, General, Instructions*, Question, The Earl of Shaftesbury; Answer, Earl Russell, [171] 1718

*Polish Refugees in Prussia*, Question, The Earl of Shaftesbury; Answer, Earl Russell, [169] 1794

COMMONS—

*Abicht, M., Case of*, Question, Mr. Hennessy; Answer, Viscount Palmerston, [169] 1653

169] *Affairs of*, Question, Mr. Hennessy, 192;

—Questions, Mr. Hennessy, Mr. Darby Griffith; Answer, Viscount Palmerston,

. 226;—Amendt. to Comm. of Supply (*Feb. 27*)—Motion for an Address (*Mr. Hennessy*),

. 879; After long Debate, Amendt. withdrawn;—Observations, Mr. Hennessy, 30;

. Reply, Viscount Palmerston, 89;—Question, Mr. Horsman; Answer, Mr. Layard,

. 1396;—Question, Mr. Horsman; Answer, 171] Mr. Layard, 1444;—Observations, Mr.

. Horsman, 1663;—Question, Mr. Warner; 172] Answer, Visct. Palmerston, 283;—Question,

Mr. Darby Griffith; Answer, Mr. Layard,

. 1358;—Question, Mr. Monnell; Debate thereon, 1406; Reply, Viscount Palmerston,

. 1424;—Observations, Viscount Raynham; Debate thereon, 1420;—Question, Mr. Hennessy; Answer, Viscount Palmerston,

. 1498

*Mr. Hennessy's Notice of Motion on Affairs of Poland*, Question, Mr. Baillie Cochrane;

171] Answer, Mr. Hennessy, 708;—Question, Mr. Bentinck; Answer, Mr. Hennessy, 1525;

—Moved, "That the Orders of the Day be postponed till after the Notice of Motion on the Affairs of Poland" (*Visct. Palmerston*),

. 1263; After Debate, Question put—A. 110, N. 165, M. 65; Motion, "That this House do now adjourn" (*Mr. Horsman*); After Debate, Motion negatived;—*The Postponed Debate*, Question, Mr. Warner; Answer, Sir

172] George Grey, 4;—Question, Mr. Bentinck; Answer, Mr. Hennessy, 66;—Question,

Mr. Beaumont; Answer, Mr. Hennessy,

. 571;—Observations, Mr. Bentinck; Motion, "That this House do now adjourn"

. (*Mr. Bentinck*), 675; After short Debate, Motion withdrawn

*Amnesty, The Russian*, Question, Mr. Denman Answer, Visct. Palmerston, [170] 466

*Congress of Paris, 1856*, Statement, Viscount Palmerston, [169] 578

*Convention between Russia and Prussia*, Question, Mr. W. Ewart; Answer, Viscount Palmerston, [169] 578

*English Police in Poland*, Questions, Mr. Hennessy; Answer, Sir George Grey, [169] 1225, 1329, 1469, 1656

*Knout in, The*, Question, Mr. Scully; Answer, Mr. Layard, [171] 1177; Explanation, Mr. Layard, 1253

*Mouravieff's, General, Instructions*, Question Mr. D. Griffith; Answer, Mr. Layard, [171] 1524

*Negotiations at St. Petersburg*, Question, Mr. Horsman; Answer, Mr. Layard, [172] 64

*Polish Students, Reported Arrest of*, Question Mr. D. Griffith; Answer, Viscount Palmerston, [169] 644

**Poland—cont.**

*Prince Gortschakoff's Despatch*, Question, Mr. Hennessy; Answer, Viscount Palmerston, [172] 1184

*Prussia, Conduct of*, Question, Mr. Hennessy; Answer, Viscount Palmerston; short Debate thereon, [170] 1954; Resolution (*Mr. Horsman*); After long Debate, withdrawn, July 20, [172] 1058

*Russia, Proceedings of*, Question, Mr. Darby Griffith, [170] 83; Answer, Mr. Layard, 86

*Treaty of Vienna, The*, Question, Mr. Hennessy; Answer, Viscount Palmerston, [169] 1745

**Parl. Papers—**

Correspondence in 1856 . . .	[3097]
" relating to, Part I.	[3111]
" " " Part II.	[3154]
" " " Part III.	[3203]
" " " Part IV.	[3213]
" " " Part V.	[3223]
" respecting Insurrect.	[3150]
Negotiations of 1814-15 . . .	[3188]
Translation of Paper, 1814-15 .	[3192]

**Police and Improvement (Scotland) (Provisional Order) Bill**

(*Mr. Bruce, Sir G. Grey*)

c. Read 1<sup>o</sup> June 23; 2<sup>o</sup> June 25 [Bill 184]

Committee and Report June 2

Considered as amended June 3

Read 3<sup>o</sup> July 6

l. Read 1<sup>o</sup> (*Duke of Argyll*) July 7

Read 2<sup>o</sup> July 10 (No. 194)

Committee and Report July 13

Read 3<sup>o</sup> July 14

Royal Assent July 21 [26 & 27 Vict., c. 60]

**Police in Counties and Boroughs**

Question, Mr. Kekewich; Answer, Mr. Peel, [170] 400

**POLLARD-URQUHART, Mr. W., Westmeath Co.**

Army Estimates—General Staff, [169] 1440

Brasil—Relations with, [170] 1837

Financial Statement—The Budget, Comm.

Resolution, [170] 282

Labourers' Cottages (Ireland), Resolution, [171] 816

Landlord and Tenant (Ireland), Commission moved for, [171] 1344

Militia, Promotion in the, [172] 1472

Supply—Public Education (Ireland), [171] 1102

Transportation and Penal Servitude, Resolution, [169] 1250

Uniformity Act Amendment, Leave, [170] 1245

\*Weights and Measures (Metric System), 2R. [172] 20

**POLWARTH, Lord**

Prison Ministers, 3R. cl. 3, Amendt. [171] 1244

**Poor Law**

*Administration of the*, Question, Mr. Hlibbert; Answer, Mr. Villiers, [169] 1006

*Bourke, Patrick, Case of*, Motion for Papers (*Lord J. Browne*) Feb. 17, [169] 448; After Debate, Motion agreed to (*Parl. P.* 75);—Question, Lord J. Browne; Answer, Mr. Villiers, 795

**Poor Law—cont.**

*Brophy, Mary, Case of*, Question, Mr. Vance; Answer, Mr. Villiers, [169] 1651; *Parl. P.* 104

*Casual Poor, Admission of, to Workhouses*, Question, Viscount Raynham; Answer, Mr. Villiers, [171] 523, 573

See *Casual Poor (Metropolis) Bill*

**Poor Law Board Continuance Bill**

(*Mr. Villiers, Mr. Gilpin*)

c. Read 1<sup>o</sup> June 34; 2<sup>o</sup> June 30 [Bill 163]

Committee and Report July 1

Read 3<sup>o</sup> July 2

l. Read 1<sup>o</sup> (*The Lord President*) July 3

Read 2<sup>o</sup> July 9 (No. 187)

Committee and Report July 10

Read 3<sup>o</sup> July 13

Royal Assent July 21 [26 & 27 Vict., c. 55]

**Poor Law Rating and Assessment**

Amendt. on Committee of Supply (*June 19*)—

Returns moved for (*Mr. Hubbard*), [171] 1185; After Debate, Amendt. withdrawn

**Poor Relief**

Select Committee appointed June 19, "to inquire into the administration of the Relief of the Poor under the Orders, Rules, and Regulations issued by the Poor Law Commissioners and the Poor Law Board, pursuant to the provisions of the Poor Law Amendment Act, and into the operation of the Laws relating to the Relief of the Poor"

Committee—Mr. Villiers, Mr. Caird, Lord Edward Howard, Mr. Kekewich, Mr. Ayrton, Sir John Acton, Sir William Jolliffe, Mr. Walpole, Mr. Lyall, Mr. Alderman Sidney, Mr. Lowe, Mr. Baxley, Sir George Bowyer, Lord Fermoy, Mr. John Tollemache, Mr. Monckton Milnes, Mr. Locke, Lord Robert Cecil, Mr. E. P. Bouverie, and Colonel Pennant

Report of Select Committee, *Parl. P.* 383

**Poor Relief (Ireland) Act**

Question, Sir E. Grogan; Answer, Sir R. Peel, [169] 1328

**Poor Relief (Ireland) Act Amendment Bill**  
(*Viscount Lifford*)

l. Read 1<sup>o</sup> Feb. 20 (No. 12)

169] Read 2<sup>o</sup>, and referred to Select Committee on *Illegitimate Children (Ireland) Bill* (which see) March 6, 1125

c. Question, Sir E. Grogan; Answer, Sir R. Peel, 1328

**Poor Removal**

Question, Mr. Herbert; Answer, Mr. Villiers, [169] 168

**Poor Removal (No. 1) Bill** [*Sir Hervey Bruce*]

(*Sir Hervey Bruce, Mr. Gregory, Mr. Longfield*)

c. Read 1<sup>o</sup> April 21 [Bill 86]

Motion, "That the Bill be now read 2<sup>o</sup>," May 8, [170] 1490; Amendt. "upon this day six months" (*Mr. Dunlop*); Question put, "That 'now' &c."—A. 9, N. 58, M. 49; Words added

Bill put off for six months

[cont.]



**Poor Removal (No. 2) Bill** [*Mr. Herbert*]  
(*Mr. Herbert, Mr. Monsell, Mr. Hutt*)

- c. Read 1<sup>o</sup> \* April 28 [Bill 98]  
170] Read 2<sup>o</sup> May 11, 1875  
171] Considered in Committee June 22, 1283  
cl. 1 (Removal of Natives of England or Scotland), Amendt. (*Mr. C. Turner*), 1283; After Debate—A. 73, N. 43, M. 30  
Motion, "That the Chairman report Progress" (*Mr. Herbert*), agreed to, 1286  
Committee report Progress  
Order for Committee discharged (*Mr. Herbert*), June 25; Bill withdrawn, 1496

**Poor Removal (No. 3) Bill** [*Mr. Villiers*]  
(*Mr. Villiers, Mr. Bruce*) [Bill 140]  
See *Removal of Irish Poor Bill*

**Poor Law**, see *Cotton Manufacturing Districts—Union Relief Aid Acts Continuance*

**Port Erin Harbour (Isle of Man)**

- c. Considered in Committee \* May 14; Resolution thereon; Bill ordered

**Port Erin Harbour (Isle of Man) Bill**  
(*Mr. Milner Gibson, Mr. Hutt*)

- c. Read 1<sup>o</sup> \* May 14; 2<sup>o</sup> \* June 1 [Bill 123]  
Committee and Report \* June 23  
Considered as amended \* June 24  
Read 3<sup>o</sup> \* June 25  
d. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*), June 26  
Read 2<sup>o</sup> \*, and referred to a Select Committee, July 7 (No. 169)  
Report of Select Committee \* July 13  
Committee \* July 16; Report \* July 17  
Read 3<sup>o</sup> \* July 20  
Royal Assent, July 28 [26 & 27 Vict., c. 81]

**PORTMAN, Lord**

- Duchy of Cornwall Management, Comm. [171]  
890; Report, 867  
Ecclesiastical Commissioners, Resolution, [171]  
1241  
Fortifications—Defences of the Bristol Channel, [172] 244  
Leases and Sales of Settled Estates Act Amendment [H.L.], Comm. add. cl. [171] 1425  
Railways, Charging of Entailed Estates for, Resolution, [170] 1296  
Statute Law Revision, Comm. [172] 411

**Portsmouth Dockyard**

- Question, *Mr. Laird*; Answer, *Lord C. Paget*, [169] 1652;—Question, *Mr. Corry*; Answer, *Lord C. Paget*, [172] 1465

**Portugal, British Investments in**

- Question, *Mr. Ayrton*; Answer, *Mr. Layard*, [170] 1947

**Post, Book, to India and China**

- Question, *Col. Sykes*; Answer, *Mr. Peel*, [169] 796

**Postage, Foreign and Colonial**

- Question, *Mr. Cave*; Answer, *Mr. Peel*, [169] 1929

**Postal Service to Australia and New Zealand**

- Question, *Mr. Maguire*; Answer, *Mr. C. Fortescue*, [169] 343

**Postal Services**, see *Mail Contracts*

**Postmaster General (Sale of Land) Bill**

(*Mr. Peel, Sir William Dunbar*)

- c. Ordered \* June 9  
Read 1<sup>o</sup> \* June 18; 2<sup>o</sup> \* June 23 [Bill 174]  
Committee and Report \* June 24  
Read 3<sup>o</sup> \* June 25  
l. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*) June 26  
Read 2<sup>o</sup> \* June 30 (No. 168)  
Committee and Report \* July 2  
Read 3<sup>o</sup> \* July 3  
Royal Assent July 13 [26 & 27 Vict., c. 43]

**Post Office Savings Banks**

- Considered in Committee Feb. 13; Resolution (*Mr. Chancellor of the Exchequer*), [169] 320; Bill ordered

**Post Office Savings Banks Bill**

*Mr. Massey, Mr. Chancellor of the Exchequer, Mr. Peel*)

- c. Read 1<sup>o</sup> \* Feb. 16 [B 11 22]  
169] Read 2<sup>o</sup>, after short Debate, Feb. 26, 854  
Considered in Committee March 2, 1018 [R.P.]  
Considered in Committee March 5, 1115  
cl. 1, Amendt. (*Chancellor of the Exchequer*), agreed to  
cl. 2, Amendt. (*Mr. Ayrton*), agreed to  
cl. 5 agreed to  
add. cl. (*Chancellor of the Exchequer*), added  
Bill reported  
Considered as amended March 9  
Re-Commitment in respect of cl. 1, and Report, \* March 13  
Considered as amended \* March 16  
Read 3<sup>o</sup>, after short Debate, and passed, March 17, 1588  
l. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*) March 19 (No. 47)  
Read 2<sup>o</sup>, after short Debate, March 24, 1797  
Committee March 26; Amendments made, 1917  
Report \* March 27  
Read 3<sup>o</sup> \*, and passed, April 14  
170] c. Lords' Amendts. considered, and agreed to, April 24, 762  
Royal Assent May 4 [26 & 27 Vict., c. 14]

**Post Offices, District**

- Question, *Sir De L. Evans*; Answer, *Mr. Peel*, [171] 1

**POTTER, Mr. E., Carlisle**

- Cotton Manufacturing Districts, Resolution, [170] 777; Amendt. 803  
Partnership Law Amendment, Comm. cl. 13, [172] 843  
Union Relief Aid Act Continuance, Leave, [169] 287  
Union Relief Aid Acts Continuance, Comm. cl. 1, Amendt. [172] 774  
Volunteers, Comm. cl. 19, [171] 351

**POTTS, Mr. G., Barnstaple**

- Supply—Memorial to the late Prince Consort, Amendt. [170] 612

**POWELL, Mr. F. S., Cambridge**

Augmentation of Benefices, Comm. cl. 3, [172] 1152; cl. 20, 1156

Church Building and New Parishes Act Amendment, Leave, [170] 463; 2R. 1574

Clergy Discipline, [172] 1279

Consolidated Fund Appropriation, 3R. [172] 1268

Corrupt Practices at Elections, Comm. cl. 2, [169] 1008; cl. 5, Amendt. 1012

Education, Resolution, [170] 1207

Education Report, [171] 403

Financial Statement—The Budget, Comm. Resolution, [170] 258

Supply—Public Education (Great Britain), [171] 752;—Queen's University (Ireland), 941, 943

Telegraphs, 3R. [170] 1035

Westminster Abbey, Monuments in, [172] 1404

**POWELL, Mr. J. J., Gloucester**

Collectors of Taxes in Cirencester, [172] 1469

Corrupt Practices at Elections, 2R. [169] 516; Comm. cl. 2, 1007; cl. 8, 1016; 11, 1635, 1643

Exhibition Medals, 3R. [172] 1486

Supply—Rates for Government Property, [171] 739

**POWIS, Earl**

Business, Public, [169] 184

Duchy of Cornwall Management, Comm. cl. 39, [171] 394; Report, 567

Education—Endowed Schools, [172] 1462

Judges' Circuits, Alterations in, 2R. [172] 850

Leases and Sales of Settled Estates Act Amendment [H.L.], Comm. add. cl. [171] 1426

**Prince of Wales (Queen's Message)**

Brought up Feb. 17; Address thereon, [169] 1413

Considered in Committee Feb. 19; Resolutions thereon, [169] 498

**Prince and Princess of Wales' Annuities Bill**

(Mr. Massey, Visct. Palmerston, Sir G. Grey)

c. Read 1<sup>o</sup> Feb. 20 [Bill 30]

[169] Read 2<sup>o</sup>, after Debate, Feb. 23, 644

Considered in Committee Feb. 24, 789

Reported without Amendt.

Read 3<sup>o</sup> Feb. 26

Read 1<sup>o</sup> Feb. 26 (No. 24)

Read 2<sup>o</sup> Feb. 27, 864

Committee and Report March 2

Read 3<sup>o</sup>, and passed, March 3

Royal Assent March 5 [26 & 27 Vict., c. 1]

See *Wales, His Royal Highness The Prince of*

**Princess Alexandra, Reception of, see Alexandra, Her Royal Highness the Princess****Prince Edward's Island, Orange Lodges in**  
Question, Mr. Maguire; Answer, Mr. Chichester Fortescue, [172] 432

VOL. CLXXII. [THIRD SERIES.]

**Printing**

Select Committee appointed Feb. 16 :—Members : Sir F. Baring, Mr. Bonham-Carter, Mr. Cardwell, Mr. Divett, Mr. S. Estcourt, Mr. Gaskell, Mr. Greene, Mr. Henley, Sir S. Northcote, The O'Connor Don, Sir J. Pakington, Mr. Peel, Mr. H. Russell, Mr. Walpole

**Prison Discipline**

Select Committee appointed Feb. 19, to consider and report on the present State of Discipline in Gaols and Houses of Correction (*Earl of Carnarvon*)

Committee :—Ld. President, D. Richmond, D. Marlborough, M. Salisbury, L. Steward, F. Carnarvon, E. Malmesbury, E. Romney, E. Cathcart, E. Ducie, E. Dudley, V. Eversley, L. Wodehouse, L. Wensleydale, L. Lyveden  
Observations, Earl of Carnarvon, [169] 476  
Report of Select Committee July 7 (No. 37)

**Prison Ministers Bill**

(Sir G. Grey, Mr. Bruce)

[169] c. Read 1<sup>o</sup> Feb. 17, 460 [Bill 24]

Question, Mr. Kinnaird; Answer, Sir G. Grey, 967

[170] Question, Mr. R. Long; Answer, Sir G. Grey, 575

Moved, "That the Bill be now read 2<sup>o</sup>," 401; Amendt. "upon this day six months" (*Mr. Gore Langton*), 413; After long Debate, Question, "That the word 'now' &c."—A. 152, N. 122, M. 30

Bill read 2<sup>o</sup> April 20

Division List—Ayes and Noes, 446

Committee—Motion, "That Mr. Speaker do now leave the Chair" (*Sir G. Grey*), May 7, 1315; Amendt. that "this House will, upon this day six months &c." (*Mr. R. Long*); After long Debate, Question put, "That the words &c."—A. 172, N. 141, M. 31

Division List—Ayes and Noes, 1333

Bill considered in Committee, 1336

cl. 1 agreed to

cl. 2, Amendt. (*Mr. Mure*), 1336; After Debate, Question put, "That the words &c."—A. 96, N. 55, M. 41; cl. agreed to

cl. 3, Amendt. (*Mr. Hunt*), 1343; After Debate, Question put, "That the words &c."—A. 96, N. 80, M. 16

Amendt. (*Sir W. Jolliffe*), 1355; After short Debate, Amendt. withdrawn

Amendt. (*Mr. Bentinck*); After Debate, Amendt. negatived, 1356

Amendt. (*Mr. Bentinck*), 1358

Motion to report Progress (*Lord A. V. Tempest*); Motion withdrawn, 1359

After further Debate, Question put, "That the words &c."—A. 101, N. 71, M. 30

Committee report Progress

Considered in Committee May 11, 1527

cl. 3, Amendt. (*Mr. Packe*), 1528; After Debate, Question put, "That the word &c."—A. 192, N. 126, M. 66

Division List—Ayes and Noes, 1537

Amendt. (*Sir Lawrence Palk*); Amendt. negatived, 1540; Amendt. (*Sir Baldwin Leighton*); Amendt. negatived, 1541

Question, "That cl. 3, as amended, stand part of the Bill"—A. 166, N. 71, M. 95;

cl. agreed to

cl. 4 agreed to

*Prison Ministers Bill—cont.*

- 170] *cl. 5*, Amendt. (*Mr. Hibbert*), agreed to, 1542;  
 Amendt. (*Sir George Grey*), agreed to, 1543;  
*cl.*, as amended, agreed to  
*new cl. (Sir Morton Peto)*, negatived  
 Preamble agreed to  
 Bill reported *May 11*  
 Considered as amended *May 14*  
*cl. 3*, Amendt. (*Mr. Bentinck*); After short  
 Debate, Amendt. withdrawn; *cl.* agreed to  
*cl. 4*, Amendt. (*Mr. Henley*), agreed to, 1692  
 Motion, "That the Bill be now read 3<sup>o</sup>" (*Sir*  
*G. Grey*) *May 18*, 1842; Amendt. "upon  
 this day six months" (*Mr. Black*); After  
 Debate, Question put, "That 'now' &c."—  
*A. 196, N. 167, M. 29*  
 Bill read 3<sup>o</sup>, and passed, *May 18*  
 l. Read 1<sup>o</sup> *May 19* (No. 109)  
 171] Moved, "That the Bill be now read 2<sup>a</sup>"  
 (*The Duke of Somerset*) *June 8*, 496; Amendt.  
 "this day six months" (*Lord Berners*), 499;  
 After long Debate, on Question "That 'now'  
 &c."—Cont. 65, Not-Cont. 30, *M. 35*  
 Bill read 2<sup>a</sup> *June 8*  
 Division List—Cont. and Not-Cont. 514  
 House in Committee *June 15*, 880  
*cl. 1* agreed to  
*cl. 2* (Application of Act), Proviso moved  
 (*Lord Berners*); negatived; *cl.* agreed to  
*cl. 3* (Additional Ministers in Prisons), Amendt.  
 (*Lord Lyveden*), 886  
 After Debate, Amendts. made (No. 137)  
 Amendts. reported (*Duke of Somerset*) *June 18*,  
 1035  
*cl. 4* (Keepers of Prisons to register reli-  
 gion of Prisoners), Amendt. (*Earl of Bel-*  
*more*); Amendt. postponed, 1036; Further  
 Amendts. moved, and negatived (No. 146)  
 Bill read 3<sup>a</sup> *June 22*  
 Amendt. at the end of *cl. 3* (*Lord Polwarth*),  
 agreed to; Words added  
 Amendt. at the end of *cl. 4* (*Earl of Bel-*  
*more*), agreed to; Words added  
 Amendt. in *cl. 5* (*The Lord Redesdale*);  
 Motion negatived  
 Bill passed  
 e. Lords' Amendts. considered *June 30* [Bill 191]  
 Amendt. to *cl. 3*—Amendt. moved thereto (*Sir*  
*G. Grey*); Question, "That those words  
 stand part of the Amendt."—*A. 10, N. 28,*  
*M. 9*; Amendt., as amended, agreed to, 1844  
 Subsequent Amendt. agreed to  
 l. Commons' Amendts. to Lords' Amendts. con-  
 sidered *July 14*  
 Bill, with Amendts. and Reason, returned to the  
 Commons  
 Royal Assent *July 28* [26 & 27 Vict., c. 79]  
 Parl. Papers—Commons . . . Bill 24  
 Lords' Amendments . . . Bill 101  
 Lords' Amendments . . . Bill 247  
 Lords . . . No. 109  
 As amended in Committee . . . No. 137  
 As amended on Report . . . No. 146  
 Commons' Amendments . . . No. 178

*Prisoners Removal (Scotland) Bill*See *Removal and Punishment of Prisoners Bill**Prisons (Ireland) Bill*

(Sir H. Bruce, Sir F. Heygate)

- e. Read 1<sup>o</sup> *June 22*; 2<sup>o</sup> *June 30* [Bill 178]  
 Considered in Committee *July 3*

*Prisons (Ireland) Bill—cont.*

- cl.* (Grand Juries to appoint Boards of Super-  
 intendence) (*Mr. Redmond*), read 1<sup>o</sup>  
 Motion, "That the Clause be read a second  
 time"—*A. 8, N. 31, M. 23*  
 Bill reported, without Amendt.  
 Read 3<sup>o</sup> *July 6*  
 l. Read 1<sup>o</sup> (*Viscount Lifford*) *July 7* (No. 195)  
 Read 2<sup>a</sup> *July 13*  
 Committee and Report *July 17*  
 Read 3<sup>a</sup> *July 20*  
 Royal Assent *July 21* [26 & 27 Vict., c. 66]

*Pritchard, Mr., late Consul at the Feejee Islands*Question, Mr. Crawford; Answer, Mr. Layard,  
[171] 898*Private Bills Fees*

COMMONS—Resolution (*Mr. R. Hodgson*) *Feb.*  
*17*; After Debate, withdrawn, [169] 405  
 Question, Mr. Hodgson; Answer, Mr. Milner  
 Gibson, [169] 258

*Private Bill Legislation*

Select Committee appointed *Feb. 17*, "to  
 inquire into the present system of legislation  
 with regard to undertakings requiring the  
 authority of Private Acts of Parliament, and  
 whether any improvements can be made  
 therein" (*Mr. Milner Gibson*), [169] 468

Instruction moved (*Mr. Hadfield*); Motion  
 withdrawn

Committee nominated *Feb. 20*:—*Mr. M.*  
*Gibson, Mr. Lowe, Colonel W. Patten, Mr.*  
*Adair, Mr. Whalley, Mr. R. Hodgson, Lord*  
*Stanley, Mr. E. P. Bouverie, Mr. Walpole,*  
*Mr. Massey, Mr. Puller, Mr. Hassard, Mr.*  
*Paull, Mr. C. Forster, and Mr. Liddell*;—*Mr.*  
*Hassard disch.*, *Mr. Hennessy added Feb. 24*

Report of Select Comm. *June 24* [No. 385]  
 Question, Mr. R. Hodgson; Answer, Mr. Milner  
 Gibson, [172] 950

*Solicitors' Charges*, Question, Mr. Darby  
 Griffith; Answer, Mr. Milner Gibson, [172]  
 1284

*The Parliamentary Bar—Fees*, Question, Mr.  
 Darby Griffith; Answer, The Solicitor Gen-  
 eral, [172] 1362

*Private Bills*

LORDS—Orders respecting *Feb. 24* (*Parl. P.*  
*No. 21*), [169] 717

On Motion of *Lord Redesdale*, Standing Order  
*No. 189*, Section 14, considered and amended,  
*April 24*, [170] 763

On Motion of *Lord Redesdale*, Ordered, no  
 Private Bill brought from the House of  
 Commons to be read a second time after  
 2nd July, &c. *April 24*, [170] 670

On Motion of *Lord Redesdale*, Sec. 9 of Stand-  
 ing Order No. 178 suspended during the re-  
 mainder of the Session *June 19*

COMMONS—Standing Order 120 repealed;  
 Order in lieu thereof, *Feb. 24*, [169] 722;—  
 Question, Mr. A. Mills; Answer, Mr. M.  
 Gibson, 309

On Motion of *Mr. Massey*, Standing Orders  
 197 and 227 suspended for the remainder of  
 the Session, *July 22*, [172] 1206

**Privileges (LORDS)**

Ordered, That a Committee of Privileges be appointed, Feb. 5

**Privileges, Committee for (COMMONS)**

Appointed Feb. 5

**Privilege, Breach of (LORDS)**

Statement of the Earl of Donoughmore, [172] 1141

**Privilege, Breach of (COMMONS)—Mr. E. J. Reed**

On complaint of Sir F. Smith, Ordered, that E. J. Reed do attend this House To-morrow, Feb. 26, [169] 798

Mr. Reed attends, and having been heard, excused further attendance, [169] 877

**PROBY, Lord (Comptroller of the Household) Wicklow Co.**

Address in answer to the Speech; Her Majesty's Answer, [169] 220

**Procession and Illumination Accidents (Metropolis)**

Motion for an Address (Mr. H. Lewis) March 24, [169] 1865; Amendt. (Mr. Norris), 1868; After long Debate, Question, "That those words be there added," put, and agreed to Main Question, as amended, put, and agreed to (Parl. P. 186), [169] 233, 276

See *Alexandra, The Princess — Wales, The Prince of*

**Promissory Notes and Bills of Exchange**

(Mr. Chancellor of the Exchequer, Mr. Peel)

c. Read 1<sup>o</sup> July 8; 2<sup>o</sup> July 9 [Bill 218]

Committee and Report July 10

Considered as amended July 20

Read 3<sup>o</sup> July 21

l. Read 1<sup>o</sup> (Lord President) July 21 (No. 244)

Read 2<sup>o</sup> July 24

Committee negatived

Read 3<sup>o</sup> July 25

Royal Assent July 8 [26 & 27 Vict., c. 105]

**Protests**

Against the Third Reading of the *Fisheries (Ireland) Bill*, July 22, [172] 1244

Against the Third Reading of the *Illegitimate Children (Ireland) Bill*, April 20, [172] 1499

**Prozy Voting Papers**

Resolution for Reduction of Stamp Duty on (Mr. D. Griffith); After Debate, withdrawn, July 21, [172] 1165

**Public Accounts, Committee of**

169] Nomination of Committee (Mr. Chancellor of the Exchequer) Feb. 23, 715; Amendt. (Mr. Hennessy); On Question, A. 46, N. 21, M. 25, 715

Motion, "That the Debate be now adjourned" (Mr. Hennessy)—A. 12, N. 39, M. 27, 716

Motion, "That this House do now adjourn," negatived

List of Committee—Sir F. Baring, Mr. E. P. Bouverie, Sir S. Northcote, Mr. Peel, Mr. G. C. Glyn, Mr. Cobden, Sir H. Willoughby, Mr. Howes, and Mr. Walpole

First Report [No. 286] May 19; Second Report [No. 309] June 2

**Public Business, see Business — Private Bills—Private Bill Legislation****Public-houses Bill**

(Mr. Somes, Mr. Pease)

169] c. Motion, "That leave &c." (Mr. Somes)—

A. 141, N. 52, M. 89, March 17, 1552

Read 1<sup>o</sup> March 19

[Bill 67]

171] Observations, Mr. Somes, 246

Motion, "That the Bill be now read 2<sup>o</sup>" (Mr. Somes) June 3, 277; Amendt. "upon this day six months" (Capt. Jervis), 287; After long Debate, on Question "That 'now' &c." —A. 103, N. 278, M. 175

Bill put off for three months

**Public Income and Expenditure, Account of**

Question, Mr. Thomson Hankey; Answer, The Chancellor of the Exchequer, [170] 197

**Public Petitions**

Select Committee appointed Feb. 10

Members:—Mr. Bonham-Carter, Mr. Calcutt, Mr. W. Cubitt, Mr. J. Fergusson, Mr. C. Forster, Mr. Gard, Major Gavin, Capt. Gray, Mr. Gregson, Sir E. Grogan, Mr. H. Johnstone, Mr. T. J. Miller, Mr. H. Russell, Mr. Ald. Salomons, Mr. O. Stanley

**Public Schools**

Question, Mr. Grant Duff; Answer, Mr. H. A. Bruce, [172] 874

**Public Works and Buildings, Permanent Commissioner of**

Amendt. on Committee of Supply (June 5)—Resolution (Mr. Baillie Cochrane). [171] 406; After Debate, Amendt. withdrawn, 414

**Public Works**

Observations, Sir Morton Peto; Reply, Mr. Cowper, [172] 577

**Public Works and Fisheries Acts Amendment Bill**

(Mr. Peel, Mr. Chancellor of the Exchequer)

c. Ordered June 26

Read 1<sup>o</sup> June 30; 2<sup>o</sup> July 2 [Bill 198]

Committee and Report July 6

Read 3<sup>o</sup> July 8

l. Read 1<sup>o</sup> (Lord Redesdale) July 9 (No. 201)

Read 2<sup>o</sup> July 20

Committee and Report July 21

Read 3<sup>o</sup> July 23

Royal Assent July 28 [26 & 27 Vict., c. 81]

**Public Works (Manufacturing Districts) Bill**

(Mr. Villiers, Mr. Chancellor of the Exchequer)

171] c. Ordered June 5, 478

Read 1<sup>o</sup> June 8 [Bill 154]

Read 2<sup>o</sup>, after long Debate, June 18, 1050

Considered in Committee June 26

cl. 1 (Charge on Consolidated Fund of £ to be at disposal of Public Works Loan Commissioners), Moved, to insert the sum of £1,200,000 (Mr. Villiers), 1517; Motion agreed to; cl. agreed to

*Public Works (Manufacturing Districts) Bill—*

- cont.  
*cl.* 2 agreed to  
 171] *cl.* 3 (Power for Commissioners to lend, and for Local Boards to borrow), Amendt. (*Mr. Gregson*), after short Debate, withdrawn, 1518; Amendt. (*Mr. Henley*), agreed to; *cl.*, as amended, agreed to  
*cl.* 4 to 8 agreed to  
*cl.* 9 (Additional Powers for Local Boards to execute works), after Debate, *cl.* agreed to, 1518  
*cl.* 10 agreed to  
*cl.* 11 struck out  
 Remaining Clauses agreed to  
*new cl.* (Power to abandon the Local Government Act) (*Mr. Villiers*), After short Debate, *cl.* added, 1523  
 Preamble agreed to  
 Bill reported [Bill 192]  
 Considered as amended *June* 29, 1619  
 Read 3<sup>d</sup> \* *June* 30  
 1. Read 1<sup>a</sup> \* (*The Lord President*) *July* 2  
 Read 2<sup>a</sup> \* *July* 3 (No. 179)  
 172] Committee *July* 7; Clauses agreed to, with Amendments, 344 (No. 199)  
 Report *July* 9, 411 (No. 203)  
 Read 3<sup>d</sup> \* *July* 10  
 Royal Assent *July* 21 [26 & 27 *Vict.*, c. 70]

*Public Works (Manufacturing Districts) Bill—Rules of Debate*

Observations and Question, *Mr. Hennessy*;  
 Answer, *Mr. Speaker*, [171] 520

*Public Works (Manufacturing Districts) [Advances]*

Considered in Committee *June* 25; Resolution (*Mr. Chancellor of the Exchequer*), [171] 1490  
 Resolution reported *June* 26; After Debate, Resolution agreed to, [171] 1507

*Public Works (Manufacturing Districts)*

Observations, *Earl Fortescue*; Reply, *Lord Stanley of Alderley*, [172] 1464

*PUGH, Mr. D., Carmarthenshire*

Parochial Assessments, [172] 1469  
 Poor Law Rating and Assessment, Return moved for, [171] 1189  
 Supply, Report, Resolution 7, [171] 953

*PULLER, Mr. C. W. G., Hertfordshire*

Alkali Works Regulation, Comm. *cl.* 4, Amendt. [171] 1167, 1168, 1169, 1170; *add. cl.* Amendt. 1175  
 Augmentation of Benefices, Comm. *cl.* 3, [172] 1154  
 Corrupt Practices at Elections, Comm. *cl.* 2, Amendt. [169] 1002, 1004; *add. cl.* 1644; Consid. *cl.* 11, 1895  
 Education, Resolution, [170] 1222  
 English Church Services in Wales, Comm. *cl.* 1, [170] 1731; Amendt. 1732  
 Fortifications (Provision for Expenses), 2R. [172] 478, 482  
 Malt Duty, Leave, [169] 364; 2R. 545  
 Prison Ministers, Comm. *cl.* 3, [170] 352  
 Security from Violence, Comm. *cl.* 1, [170] 1277, 1281

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*PULLER, Mr. C. W. G.—cont.*

Supply—Rates for Government Property, [171] 744;—Public Education (Great Britain), 753, 758  
 Union Relief Aid Act Continuance, Leave, [169] 291  
 Ways and Means—Income Tax, [170] 645

*Qualification for Offices Abolition*

Considered in Committee \* *Feb.* 6; Bill ordered

*Qualification for Offices Abolition Bill*

(*Mr. Hadfield, Sir M. Peto, Mr. Baines, Mr. Kershaw*)

- 169] c. Read 1<sup>o</sup> \* *Feb.* 6 [Bill 4]  
 . Second Reading moved (*Mr. Hadfield*) *Feb.* 18, 469; Amendt. "upon this day six months" (*Mr. Newdegate*); Question put, "That 'now' &c."—A. 74, N. 63, M. 11  
 . Main Question put, and agreed to; Bill read 2<sup>o</sup>  
 . Division List—Ayes and Noes, 470  
 . Order for Committee *Feb.* 19, 556; Motion, "That *Mr. Speaker* &c.;" Motion, "That the Debate be now adjourned" (*Mr. Packe*), withdrawn; Main Question put, and agreed to  
 Bill considered in Committee, and reported without Amendt.  
 . Moved, "That the Bill be now read 3<sup>o</sup>" *Mar.* 4, 1043; Amendt. "upon this day six months" (*Mr. Newdegate*), 1045; After Debate, Question put, "That 'now' &c."—A. 175, N. 172, M. 3; Main Question put, and agreed to  
 . Bill read 3<sup>o</sup>, and passed, 1053  
 Division List—Ayes and Noes, 1053  
 1. Read 1<sup>a</sup> \* (*Lord Wodehouse*) *March* 5 (No. 31)  
 170] Moved that the Bill be now read 2<sup>a</sup> \* *April* 24, 658; Amendt. "this day six months" (*The Earl of Derby*), 661; On Question "That 'now' &c."—Contents 52, Not-Contents 69, Majority 17; Resolved in the Negative  
 Bill to be read 2<sup>a</sup> on this day six months  
 Division List—Cont. and Not-Cont. 669

*Queen's Prison, The, Southwark*

Question, *Mr. Locke*; Answer, *Mr. Cowper*, [169] 341

*Railway Accidents*

Question, *Mr. Bentinck*; Answer, *Mr. M. Gibson*, [169] 261;—Question, *Lord Brougham*, Answer, *Earl Granville*, [171] 149  
 Amendt. on Committee of Supply (*July* 10)—Resolution that "in the opinion of this House, it is the duty of the Government to legislate for the better prevention of Accidents on Railways" (*Mr. Bentinck*), [172] 594; After Debate, Amendt. withdrawn

*Railway and Canal Bills*

General Committee on:—*Lord Stanley* (Chairman), *Mr. Adair*, *Mr. Hassard*, *Mr. Howes*, *Mr. Arthur Mills*, *Mr. Scholefield*, *Mr. Scourfield*, *Mr. Woodd*

*Railway Bills Bill*

- (*Mr. Whalley, Mr. M'Mahon*)  
 169] c. Read 1<sup>o</sup> \* *Feb.* 6, 173 [Bill 6]  
 170] Second Reading deferred *April* 15, 16  
 172] Bill withdrawn *July* 8, 408

*Railway Bills (No. 2) Bill*

(Mr. Whalley, Mr. M'Mahon)

- c. Read 1<sup>o</sup> \* July 8 [Bill 216]  
 After short Debate, Order for Second Reading discharged; Bill withdrawn, July 21, [172] 1204

*Railway Carriages, Outrages in*

Question, Mr. Blake; Answer, Mr. Milner Gibson, [172] 1285

*Railway Companies, Borrowing Powers of*  
 Select Committee appointed June 23, [171] 1302

See *Borrowing Powers—West Hartlepool*

*Railway Proxies*

Question, Mr. D. Griffith; Answer, The Chancellor of the Exchequer, [169] 409

*Railways, Charging of Entailed Estates for*  
 On Motion of Earl Grey, Select Committee appointed March 9, [169] 1214

Committee:—E. Devon, E. Hardwicke, E. Carnarvon, E. Romney, E. Grey, E. Minto, E. Cathcart, E. Stradbroke, V. Eversley, L. Wodehouse, L. Stanley of Alderley, L. Llanover, L. Taunton

Report of Select Committee March 19 (No. 48)  
 Observations, Lord Redesdale, [170] 767  
 Resolution (Lord Redesdale) May 7, 1291;  
 Amendt. moved (Viscount Eversley), 1293;  
 After Debate, Original Motion agreed to

*Railways Clauses Bill*

(Mr. Milner Gibson, Mr. Hutt)

- c. Ordered \* July 2  
 Read 1<sup>o</sup> \* July 3; 2<sup>o</sup> \* July 9 [Bill 208]  
 Committee and Report \* July 13  
 Committee (on re-comm.) and Report \* July 16 [Bill 230]  
 Considered as amended \* July 17  
 Read 3<sup>o</sup> \* July 20  
 l. Read 1<sup>o</sup> \* (Lord Stanley of Alderley) July 21  
 Read 2<sup>o</sup> \* July 23 (No. 238)  
 Committee negatived  
 Read 3<sup>o</sup> \* July 25  
 Royal Assent July 28 [26 & 27 Vict., c. 92]

*Railways, Passenger Carriages on*

Question, Mr. Alderman Salomons; Answer, Mr. Milner Gibson, [172] 1055

*Ramsgate Harbour*

Question, Sir E. Dering; Answer, Mr. M. Gibson, [169] 1930

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 Railways, Charging Entailed Estates for, Report, [170] 768; Resolution, 1295  
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RAYNHAM, Viscount, *Tamworth*

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Casual Poor (Metropolis), 2R. [172] 389, 397  
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 Poland, Affairs of, [172] 1420

*Recovery of Church Rates Bill*

(Lord Alfred Churchill, Mr. J. Ewart)

- c. Ordered, after short Debate, July 7 [172] 364  
 Read 1<sup>o</sup> \* July 10

*Redemption of Rents (Ireland) Bill* [H.L.]  
 (The Lord Chelmsford)

- l. Read 1<sup>o</sup> \* March 5; 2<sup>o</sup> \* May 15 (No. 29)  
 170 Considered in Committee May 19, 1946;  
 Bill reported without Amendt. (No. 110)  
 171 House in Committee (on re-commitment) June 12, 795  
 . cl. 10 (Reservations to go with the Rent), Amendt. (Earl of Donoughmore), agreed to, 795; cl., as amended, agreed to (No. 134)  
 . Amendts. reported June 15, 895 (No. 139)  
 Read 3<sup>o</sup> \* June 18

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 Bakehouses Regulation, 2R. [171] 396  
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 Corrupt Practices at Elections, 2R. [170] 981; Comm. 1284  
 Dublin Metropolitan Railway, [170] 1767; 3R. 1815  
 Duchy of Cornwall Management, Comm. [171] 389; Report, Amendt. 564, 568  
 East Gloucestershire Railway, 2R. Amendt. [169] 718, 719  
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 Fisheries (Ireland), Comm. [172] 1034  
 Great Eastern Railway, 2R. Adj. moved, [169] 630, 633, 1319  
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 London (City) Traffic Regulation, Comm. [170] 1577  
 Ludgate Station and Junction Railways, [170] 1737  
 Metropolitan Railway Communication, Comm. moved for, [170] 195; Address moved, [172] 1458  
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804, 989  
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**Reed, Mr. E. J.**—see *Privilege, Breach of*

**Regent Circus Railway Bill**

c. Motion "That the Bill be now read 2<sup>o</sup>"  
March 3, [169] 1021; Amendt. "upon this  
day six months" (*Mr. H. Lewis*); After  
Debate, Question, "That 'now' &c." put,  
and negatived; Words added; Main Question,  
as amended, put, and agreed to; Bill put off  
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**Regimental Debts, &c. Bill**

(*The Marquess of Hartington*)  
c. Read 1<sup>o</sup> \* June 3; 2<sup>o</sup> \* June 11 [Bill 149]  
Committee and Report \* June 12  
Read 3<sup>o</sup> \* June 15  
l. Read 1<sup>o</sup> \* June 16 (*Earl de Grey*) (No. 141)  
Read 2<sup>o</sup> \* June 22  
Committee \* June 26; Report \* June 30  
Read 3<sup>o</sup> \* July 2  
Royal Assent July 21 [26 & 27 Vict., c. 57]

**Register of Voters Bill**

(*Mr. Locke King, Mr. K. Seymer*)  
c. Read 1<sup>o</sup> \* Feb. 19; 2<sup>o</sup> \* Feb. 24 [Bill 25]  
[169] Order for Committee March 4; Motion,  
"That Mr. Speaker &c." 1055; Amendt. "this  
House will upon this day six months &c." (*Mr.  
Howes*), 1055; After short Debate, Question  
put, "That the words &c."—A. 129, N. 104,  
M. 25  
Main Question put, and agreed to; Bill con-  
sidered in Committee  
cl. 1. Amendt. (*Mr. Howes*), 1057; Ques-  
tion put, "That those words be there  
inserted"—A. 76, N. 99, M. 23  
Remaining Clauses agreed to  
Bill reported without Amendt.  
Read 3<sup>o</sup> \* March 5  
l. Read 1<sup>o</sup> \* March 6 (No. 34)

**Registration of Assurances**

Question, Sir E. Grogan; Answer, Sir R. Peel,  
[169] 796

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**Removal and Punishment of Prisoners Bill**  
(*The Lord Advocate, Sir G. Grey*)

c. Ordered \* June 25  
Read 1<sup>o</sup> \* June 29; 2<sup>o</sup> \* July 2 [Bill 194]  
Committee and Report \* July 6  
Considered as amended \* July 7  
Read 3<sup>o</sup> \* July 8  
l. Read 1<sup>o</sup> \* (*The Lord Chancellor*) July 9  
Read 2<sup>o</sup> \*, July 23 (No. 200)  
Committee and Report \* July 24  
Read 3<sup>o</sup> \* July 25  
Royal Assent July 28 [26 & 27 Vict., c. 109]

**Removal of Irish Poor Bill**

(*Mr. Villiers, Mr. Bruce*)  
c. Read 1<sup>o</sup> \* May 19; 2<sup>o</sup> \* June 4 [Bill 140]  
Committee and Report \* June 19  
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Question, Mr. Childers; Answer, Sir G. Grey, [169] 1395; *Parl. P. No. 151*

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 Stour, River, Conservancy of the, [171] 1765

**Royal Commission of 1851**

Amendt. on Committee of Supply (July 6), to leave out from "That," in order to add, "in the opinion of this House, the purchase money of the land at Kensington should be applied by the Commissioners of the Great Exhibition of 1851, towards discharging the liabilities of the Commission; and that the Commission should be determined, and the property now held by the Commission be vested in the Crown, subject to any interests now existing therein, and to any charges thereon" (*Mr. Ayrton*) instead thereof, [172] 254: Question put, "That the words &c."—A. 165, N. 42, M. 123

See *International Exhibition—South Kensington, Purchase of Land at—Supply*

**Royal Naval Reserve Bill**

See *Officers of Royal Naval Reserve Bill*

**Rules of Debate—Public Works (Manufacturing Districts) Bill**

Observations and Question, Mr. Hennessy; Answer, Mr. Speaker, [171] 530

**Rum, Duty on**

Considered in Committee; Resolution (*Mr. Peel*); Bill ordered, July 21, [172] 1202

**Rum Duty Bill**

(*Mr. Peel, Mr. Chancellor of the Exchequer*)

c. Read 1<sup>o</sup> July 21; 2<sup>o</sup> July 22 [Bill 256]  
 Committee and Report \* July 23  
 Read 3<sup>o</sup> July 24  
 l. Read 1<sup>o</sup> (Lord Stanley of Alderley) (No. 251)  
 Read 2<sup>o</sup> July 25  
 Standing Orders 37 and 39 dispensed with  
 Read 3<sup>o</sup>, and passed, July 25  
 Royal Assent July 26 [26 & 27 Vict., c. 102]



**RUSSELL, Earl (Secretary of State for Foreign Affairs)**

Address in Answer to the Speech, [169] 41, 49, 54, 55

Brazil—Dispute with, Explanation, [169] 367;  
—Relations with, [171] 150; Papers moved for, 1137, 1140;—Mr. Christie, 1293;—The "Prince of Wales"—Claim of Compensation, [172] 733, 739, 743, 744, 745, 746

British Commerce and the American Cruisers, Papers moved for, [171] 881

Burial Service, Commission moved for, [171] 168

Channel Fleet in the Baltic, [172] 614

Corrupt Practices at Elections, 2R. [170] 983;  
Comm. 1283, 1285; *add. cl.* 1286; *cl.* 10, Amendt. 1288

Greece—Affairs of, [170] 182, 190, 194; [172] 339, 615, 1444, 1450, 1452

Holstein and Schleswig, [170] 1749, 1750, 1764, 1765

Ionian Islands—Cession of the, [170] 182, 190, 194; [171] 1290; Paper moved for, 1728; [172] 425, 1444, 1450, 1452

Italy—Affairs of Rome, [169] 383, 386, 474, 791, 794;—Despatches, 1062;—Case of Mr. Bishop, [170] 1517; [171] 872, 1283, 1289

Japan—Affairs of, Address for Papers, [172] 518, 526;—Case of Mr. Moss, 723

Naval Courts of Inquiry, [170] 394, 395

Poland—Insurrection in, [169] 564, 570;—Convention between Russia and Prussia, 857, 858; [171] 695, 697;—Refugees in Prussia, [169] 1794;—Affairs of, [170] 1385; [171] 484, 1611, 1614; [172] 509; Address for Papers, [172] 629, 640, 646, 655, 1340;—Alleged Russian Cruelties, [171] 1116;—Gen. Mouravieff, 1718

Qualification for Offices Abolition, 2R. [170] 665

Secretary at War, Office of, Abolition, 2R. [170] 553

Slave Trade—Brazil, [171] 1228;—Spain, 1497  
Subscription to Formularies of Faith, [172] 147, 154, 165, 243

United States—The Southern Confederacy, [169] 1734;—Seizure of British Vessels by Federal Cruisers, [170] 560, 567, 568, 569, 572, 654, 655, 656, 657; Explanation, 763, 767, 980, 981;—Proceedings of the Prize Courts, Papers moved for, 1826, 1828, 1834; [171] 1506;—Communication from the French Government, 1719;—The "Margaret and Jessie," [172] 730

**RUSSELL, Mr. A., Tavistock**

Rome—Affairs of, [169] 1425

**RUSSELL, Mr. F. W., Limerick (City)**

Fisheries (Ireland), Considered. *cl.* 4, Amendt. [172] 506

**Russia—Batteries at Bomarsund**

Question, Mr. R. Long; Answer, Mr. Layard, [172] 657

**Russia and China**

Question, Col. Sykes; Answer, Mr. Layard, [169] 342

**Ruthin Charities Bill**

(Mr. Lowe, Mr. Bruce)

c. Read 1<sup>o</sup> • June 11; 2<sup>o</sup> • June 18 [Bill 161]

Committee and Report • June 22

Considered as amended • June 23

Read 3<sup>o</sup> • June 25

l. Read 1<sup>o</sup> • June 26 (The Lord President)

Read 2<sup>a</sup> July 10, [172] 536 (No. 166)

Committee and Report • July 13

Read 3<sup>a</sup> • July 14

Royal Assent July 21 [26 & 27 Vict., c. 59]

**RUTLAND, Duke of**

International Exhibition Building, [171] 1030

Poland—Affairs of, [171] 489

**Sailors' Homes**

Question, Sir Henry Stracey; Answer, Lord Clarence Paget, [169] 146

Amend. on Committee of Supply (April 24)—Resolution (Sir H. Stracey), [170] 677; After Debate, Amendt. negatived, 681

**ST. DAVIDS, Bishop of**

Acts of Uniformity Amendment, 2R. [170] 1938

Burial Service, Commission moved for, [171] 163

**ST. GERMANS, Earl of (Lord Steward of the Household)**

Address in answer to the Speech—Her Majesty's Answer, [169] 179

Births and Deaths Registration (Ireland), 2R. [169] 1390; Comm. 1795; *cl.* 22, 1796; Report, *cl.* 30, 1917; 3R. [170] 4

Fisheries (Ireland), Report, [172] 1146

Vaccination (Ireland), 2R. [171] 396

**ST. LEONARDS, Lord**

Augmentation of Benefices, Nomination of Comm. [170] 121; 3R. 1765

Duchy of Cornwall Management, Comm. *cl.* 39, [171] 394

Fisheries (Ireland), 3R. [172] 1234

Leases and Sales of Settled Estates Act Amendment [H.L.], Comm. *add. cl.* [171] 1425

Railways, Charging of Entailed Estates for, Resolution, [170] 1293

Royal Patriotic Asylum, [171] 397

Statute Law Revision, 2R. [172] 341, 1432

**St. Mary's Island, Chatham**

Question, Mr. Digby Seymour; Answer, Lord Clarence Paget, [170] 775

**St. Vincent's, The Late Riots at**

Question, Mr. W. E. Forster; Answer, Mr. Chichester Fortescue, [172] 1057

**Sale of Beer Bill**

Question, Mr. P. W. Martin; Answer, Mr. W. E. Forster, [169] 410

**Sale of Gas Act Amendment Bill**

(Mr. Bruce, Sir George Grey)

c. Read 1<sup>o</sup> • March 17 [Bill 61]

*Sale of Mill Sites, &c. (Ireland) Bill*

(Mr. Peel, Mr. Chancellor of the Exchequer)

- c. Read 1<sup>o</sup> \* May 5  
 Read 2<sup>o</sup> \* May 11 [Bill 105]  
 Committee and Report \* May 14  
 Read 3<sup>o</sup> \*, and passed, May 15  
 l. Read 1<sup>o</sup> \* (Earl of St. Germans) May 18  
 Read 2<sup>o</sup> \* June 25 (No 105)  
 Committee and Report \* June 30  
 Read 3<sup>o</sup> \* July 2  
 Royal Assent July 13 [26 & 27 Vict., c. 42]

*SALISBURY. Marquess of*

Prison Discipline, [169] 491

*Salmon, Exportation, of*

Question, Mr. Tucker Smith; Answer, Sir G. Grey, [169] 724

*Salmon, Exportation Bill*

(Mr. Bruce, Sir G. Grey)

- c. Read 1<sup>o</sup> \* Feb. 26; 2<sup>o</sup> \* March 9 [Bill 42]  
 Committee and Report \* March 11  
 Read 3<sup>o</sup> \* March 12  
 l. Read 1<sup>o</sup> \* (The Lord Stanley of Alderley) March 13 (No. 39)  
 169] Read 2<sup>a</sup>, after short Debate, March 16, 1463  
 Committee \* March 19 (No. 51)  
 . Amendts. reported, March 23, 1741  
 . cl. 3 (Prohibition of Export of Salmon at certain Times), Motion (Earl of Dalhousie); On O. Q., Contents 8, Not-Contents 6, Majority 2, 1741 [Division List]  
 Read 3<sup>o</sup> \*, and passed, March 24  
 Royal Assent April 20 [26 & 27 Vict., c. 10]

*Salmon Fisheries*

Observations, Mr. Humberston; Reply, Mr. II. A. Bruce, [172] 992

*Salmon Fisheries (Ireland) Bill*

(Mr. M'Mahon, Colonel Dunne, Colonel French, Mr. Longfield)

- 169] c. Read 1<sup>o</sup> Feb. 6, 178 [Bill 1]  
 . Motion, "That the Bill be now read 2<sup>o</sup>" (Mr. M'Mahon) Feb. 11, 234; Amendt. (Mr. Butt); After Debate, Amendt. withdrawn; Main Question agreed to  
 Bill read 2<sup>o</sup> Feb. 11  
 . Question, Mr. Esmonde; Answer, Mr. M'Mahon, 643  
 . Question, Sir Robert Peel; Answer, Mr. M'Mahon, 725  
 . Order for Committee March 4; Motion, "That Mr. Speaker &c." (Mr. M'Mahon) 1057; Amenut. that "the Bill be committed to a Select Committee" (Lord Fernoy); Debate adjourned  
 . Debate resumed March 25, 1896; Debate arising, Debate further adjourned  
 . Debate resumed March 26, 1892; Motion, "That the Debate be now adjourned" (Captain Esmonde) — Ayes 5, Noes 50, Majority 45, 1894  
 Main Question put, and agreed to  
 . Bill considered in Committee, after Debate, March 26 1892; Committee report Progress  
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*Salmon Fisheries (Ireland) Bill—cont.*

- 170] Considered in Committee April 27, 852  
 . Motion, "That Chairman report Progress &c." (Mr. Bagwell)—A. 38, N. 53, M. 15; 852; After further Debate, Committee report Progress  
 . Considered in Committee May 4, 1140  
 After short Debate, Committee report Progress  
 See Fisheries (Ireland) Bill

*Salmon Fisheries (Scotland) Act Continuance Bill*

(The Lord Advocate, Sir George Grey)

- c. Read 1<sup>o</sup> \* May 8; 2<sup>o</sup> \* May 14 [Bill 117]  
 Committee and Report \* May 18  
 Read 3<sup>o</sup> \*, and passed, May 19  
 l. Read 1<sup>o</sup> \* (Lord Stanley of Alderley) May 21  
 Read 2<sup>o</sup> \* June 8 (No. 112)  
 Committee \* June 15; Report \* June 16  
 Read 3<sup>o</sup> \* June 18 (No 138)  
 Royal Assent July 13 [26 & 27 Vict., c. 50]

*SALOMONS, Mr. Alderman D., Greenwich*

Fortifications and Works, Leave, [172] 332

Greenwich Hospital, [171] 1216

Lancashire Distress—Mansion House Committee, [170] 774

London (City) Traffic Regulation, Comm. moved for, [171] 1248

London Coal and Wine Duties Continuance, Comm. cl. 2, [170] 1722

Partnership Law Amendment, Comm. cl. 9, [172] 841, 842; cl. 13, 843

Passenger Carriages on Railways, [172] 1055

Prince of Wales, Marriage of, [169] 408

Statute Law Revision, Comm. Schedule, [172] 1227

Stock Certificates to Bearer, Consid. cl. 4, [170] 1368

Supply, [170] 113;—Public Buildings, [171]

211;—Repair of Furniture 213;—New Foreign Office, 373, 377;—Westminster Bridge, 379, 380;—Light-houses Abroad, 736;—Rates for Government Property, 737, 745;—Vancouver's Island, 1483;—Treaties of Reciprocity, [172] 540

Sydney Branch Mint, [169] 640

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Thames Embankment (North Side), Comm. cl. 10, [170] 1719

Ways and Means—Income Tax, [170] 646

*SALT, Mr. T., Stafford*

Education, Resolution, [170] 1210

*Salt, Export of, to France*

Question, Mr. Tollemache; Answer, Mr. Layard, [171] 1047

*Savings Banks Acts*

- c. Considered in Committee March 27, [170] 102; Resolution thereon (Mr. Chancellor of the Exchequer); Resolution reported, and agreed to; Bill ordered, April 13, 119

*Savings Banks Bill [Mr. Chancellor of the Exchequer]*

(Mr. Massey, Mr. Chancellor of the Exchequer, Mr. Peel)

- 170] c. Read 1<sup>o</sup> April 13, 120

*Savings Banks Bill—cont.*

- 170] Read 2<sup>o</sup> April 27, 850  
 . Considered in Committee May 4, 1137  
   *cl.* 1 agreed to  
   *cl.* 2, 1137; Motion to omit Clause (*Mr. Hubbard*); After Debate, Amendt. withdrawn;  
   *cl.* agreed to  
   Remaining Clauses agreed to  
   Bill reported May 4  
   Considered as amended \* May 5  
   Read 3<sup>o</sup>\*, and passed, May 7  
*l.* Read 1<sup>o</sup>\* (*Lord Stanley of Alderley*) May 8  
   Read 2<sup>o</sup>\* May 21 (No. 97)  
   Committee and Report\* June 1  
   Read 3<sup>o</sup>\* June 2  
   Royal Assent June 8 [26 & 27 Vict., c. 25]

*Savings Banks Acts Amendment Bill*  
 (*Sir H. Willoughby, Mr. Ayrton*)

- 170] *c.* Read 1<sup>o</sup> April 13, 120 [Bill 80]  
   Read 2<sup>o</sup>\* May 12  
 171] Bill considered in Committee June 10, 676  
   *cl.* 1 to 4 agreed to  
   *cl.* 5 (Titles to be assumed by Savings Banks),  
     after short Debate, agreed to, 676  
   *cl.* 6 (Attendance of Trustees or Officers),  
     Amendt. (*Mr. Crum-Ewing*), withdrawn, 676  
   *cl.* 7 to 62, inclusive, agreed to  
   *cl.* 63, 64, 65, and 66 struck out  
   Remaining clauses agreed to  
   *new cl.* (as to Premiums on Policy of Insurance)  
     (*Mr. Hibbert*), 677; After short Debate,  
     withdrawn  
   Bill reported\* June 10 [Bill 158]  
   Considered as amended\* June 23 [Bill 183]  
   Read 3<sup>o</sup>\* June 30  
*l.* Read 1<sup>o</sup>\* (*Lord Taunton*) July 2 (No. 183)  
   Read 2<sup>o</sup>\* July 14  
   Committee\* July 16; Report\* July 17  
   Read 3<sup>o</sup>\* July 20 (No. 221)  
   Royal Assent July 28 [26 & 27 Vict., c. 87]

SCHOLEFIELD, Mr. W., *Birmingham*

- Navy Estimates—Naval Establishments at  
 Home, [169] 835  
 Partnership Law Amendment, 2R. [169] 1869;  
 Re-Comm. [172] 241; *cl.* 9, 842

*Schools, Endowed—see Education*

SCLATER-BOOTH, Mr. G., *Hampshire, N.*

- Corrupt Practices at Elections, Comm. add. *cl.*  
 [169] 1846  
 Diplomatic Service, Resolution, [169] 1946  
 Growing Crops Seizure (Ireland), Comm. *cl.* 2,  
 Adj. moved, [172] 508  
 Lisburn Election Committee, [171] 1048; Re-  
 solution, 1225  
 Naples—Commerce with, Papers moved for,  
 [170] 1471  
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 Supply—Royal Parks, [171] 217, 222;—New  
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- Army Commissions—*Scotch Universities*, Question,  
*Mr. Dalglish*; Answer, The Marquess  
 of Hartington, [170] 1838  
*Edinburgh Botanical Gardens—Opening on*  
*Sundays*, Amendt. on Committee of Supply  
 June 8 (*Mr. Gregory*), [171] 525; Question,

[cont.]

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- "That the words &c.;" After Debate—A.  
 123, N. 107, M. 16  
*Edinburgh Castle—Gunpowder Store*, Question,  
 The Earl of Airlie; Answer, The Earl of  
 Dalhousie, [169] 1549;—Question, Mr.  
 Black; Answer, The Marquess of Hartington,  
 [170] 1526  
*Education in*, Question, Mr. Dunlop; Answer,  
 The Lord Advocate, [171] 1432  
*Fife Artillery Militia*, Question, Mr. Wyvill;  
 Answer, The Marquess of Hartington, [171]  
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*Herring Fisheries*, Question, Mr. Finlay; An-  
 swer, The Lord Advocate, [171] 324  
*Herrings for Austria*, Question, Mr. G. Duff;  
 Answer, Mr. Layard, [172] 1275  
*MacLachlan, Jessie, Case of*, Address for Copy  
 of Proceedings (*Mr. Stirling*); Motion, being  
 irregular, not put; Explanation, Sir G. Grey;  
 170] long Debate thereon, 681;—Question, Mr.  
 Blackburn; Answer, Sir G. Grey, 1839;—  
 Question, Mr. Mure; Answer, Sir G. Grey,  
 171] 808; Question, Sir M. S. Stewart; Answer,  
 Sir G. Grey, 1316; Question, Mr. Macaulay;  
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 vations, Mr. Stirling; Reply, Sir G. Grey,  
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   Parl. Papers—Papers respecting No. 119  
   Proceedings at Trial . . . No. 268  
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*London*, Question, Mr. Black; Answer, Sir  
 G. Grey, [171] 1769;—Question, Mr. Brown-  
 Westhead; Answer, Sir G. Grey, [172] 1496  
*Parochial Schoolmasters in*, Question, Mr.  
 Dunlop; Answer, Mr. Lowe, [171] 1178  
*Poor Law*, Question, Mr. Dalglish; Answer,  
 The Lord Advocate, [170] 1161  
*Portpatrick Harbour*, Question, Mr. Coning-  
 ham; Answer, Mr. M. Gibson, [171] 1179  
*Roads in*, Question, Earl of Airlie; Answer,  
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*Salmon Fisheries (Scotland)*, Question, Mr.  
 Henley; Answer, Sir G. Grey, [169] 1129  
*Scottish Universities*, Question, Mr. Stirling;  
 Answer, The Marquess of Hartington, [171]  
 1435  
*Supply—Exchequer, Office of*, [169] 1960  
*Vagrancy in Scotland*, Question, Mr. Carnegie;  
 Answer, The Lord Advocate, [169] 967  
 See—  
   *Court of Session (Scotland) Bill*  
   *Courts of the Church of Scotland Bill*  
   *Oaths Relief in Criminal Proceedings (Scot-*  
   *land) Bill*  
   *Salmon Fisheries (Scotland) Act Continu-*  
   *ance Bill*  
   *Sheep and Cattle (Scotland) Bill*  
   *Sheriff Courts (Scotland) Bill*  
   *Statute Labour Roads and Bridges (Scot-*  
   *land) Bill*  
   *Trustees (Scotland) Act Amendment Bill*  
   *Vaccination (Scotland) Bill*

SCOTT, Lord H. J. M. D., *Selkirkshire*

- Greece—Affairs of, Papers moved for, [169]  
 1518  
 Turkey, and her Dependancies, Papers moved  
 for, [171] 123

SCOTT, Sir W., *Roxburghshire*  
 Volunteer Force, The, [170] 1526

**SCOURFIELD, Mr. J. H., *Haverfordwest***  
Admiralty, Board of, Comm. moved for, [171] 666  
Church Rates Commutation, 2R. [170] 1271  
Customs and Inland Revenue, Comm. cl. 2, [170] 1554  
Prison Ministers, Comm. cl. 3, [170] 1530, 1541

**SCULLY, Mr. V., *Cork Co.***

Army Estimates—Surveys, &c. [169] 1782  
Assurances Registration (Ireland), 2R. [170] 268, 462  
Drainage and Improvement of Land (Ireland), Consid. Adj. moved, [171] 331; 3R. 474  
Edinburgh Botanic Garden—Opening on Sundays, Resolution, [171] 542  
Financial Statement—The Budget, Comm. Resolution, [170] 255  
Fisheries (Ireland), Discharge of Order for Comm. [171] 710; Comm. 797; cl. 4, 801; cl. 31 [172] 169  
Irish Church Establishment, Comm. moved for, [171] 1710, 1717  
Landlord and Tenant (Ireland), Commission moved for, [171] 1364  
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Poland—Knout in, [171] 1177;—Affairs of, 1273  
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Political Demonstrations in Ireland, [169] 1931, 1932, 1933, 1934, 1936  
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**Sea Fisheries**

Address for a Royal Commission (*Mr. Fenwick*)  
June 2, [171] 261; After Debate—A. 50, N. 27, M. 23  
Answer to Address reported June 3

**Secretaries of State**

Question, Mr. D. Griffith; Answer, Viscount Palmerston, [170] 467

**Secretary at War, Office of, *Abolition Bill***  
(*Sir G. Lewis, The Judge Advocate*)

c. Read 1<sup>o</sup> March 20 [Bill 72]  
[169] Read 2<sup>o</sup>, after short Debate, March 20, 1980  
Committee and Report April 16  
Read 3<sup>o</sup>\*, and passed, April 17  
l. Read 1<sup>o</sup> (*Earl de Grey*) April 20 (No. 71)  
[170] Read 2<sup>o</sup> April 23, 552  
Committee and Report April 24  
Read 3<sup>o</sup>\*, and passed, April 27  
Royal Assent May 4 [26 & 27 Vict., c. 12]

**Security from Violence Bill**

(*Mr. Adderley, Sir S. Northcote, Mr. Garnett*)  
[169] c. Read 1<sup>o</sup> Feb. 24, 785 [Bill 35]  
Motion, "That the Bill be now read 2<sup>o</sup>" (*Mr. Adderley*) March 11, 1303; Amendt. "upon this day six months" (*Mr. Hadfield*), 1305; After Debate, Question put, "That 'now' &c."—A. 131, N. 68, M. 63, 1313  
Main Question put, and agreed to; Bill read 2<sup>o</sup>

[cont.]

**Security from Violence Bill—cont.**

[170] Considered in Committee May 6, 1275  
c. cl. 1, Amendt. (*Mr. Peacocke*)—A. 37, N. 191, M. 154; 1275  
Another Amendt., after Debate, negatived, 1279  
Another Amendt. (*Mr. Adderley*), agreed to, 1280  
Another Amendt. (*Mr. Hibbert*)  
Motion to report Progress (*Mr. Dent*)—A. 32, N. 159, M. 127  
After short Debate, Amendt. agreed to  
Question, "That the Clause, as amended, stand part of the Bill"—A. 144, N. 31, M. 113  
Bill reported May 6 [Bill 111]  
Considered as amended May 8  
Motion, "That the Bill be now read 3<sup>o</sup>" May 12, 1661; Amendt. "upon this day six months" (*Mr. Grant Duff*); Question put, "That 'now' &c."—A. 76, N. 18, M. 58  
Bill read 3<sup>o</sup>, and passed  
l. Read 1<sup>o</sup> (*Earl of Carnarvon*) May 15 (No. 103)  
[171] Moved, That the Bill be now read 2<sup>o</sup> (*Earl of Carnarvon*), June 9, 553; Amendt. "this day six months" (*Lord Cranworth*), 557; After Debate, Question, That "now" &c.; Resolved in the Affirmative  
Bill read 2<sup>o</sup> June 9  
Committee June 23; Report June 25  
Read 3<sup>o</sup> June 26 [No. 157]  
Royal Assent, July 13 [26 & 27 Vict., c. 44]

**SEELY, Mr. C., *Lincoln***

Navy Estimates—Artificers, &c. at Home, [169] 838;—Naval Stores, 843  
Partnership Law Amendment, 2R. [169] 1893

**Seizure of a French Vessel by H.M.S. "Zebra"**

Question, Mr. Addington; Answer, Lord C. Paget, [171] 571

**Select Vestries Bill**

l. Bill, *pro forma*, read, 1<sup>o</sup> Feb. 5

**Selection, Committee of**

Nominated Feb. 12  
Committee:—Mr. Dunlop, Mr. Herbert, Mr. Bonham-Carter, Lord Hotham, Mr. Mowbray, and the Chairman of the Select Committee on Standing Orders

**SELWYN, Mr. C. J., *Cambridge University***

Endowed Schools, 2R. [171] 1005  
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Prison Ministers, 2R. [170] 418  
Qualification for Offices Abolition, 3R. [169] 1047  
Supply—Royal Parks, [171] 214  
Volunteers, Comm. cl. 19, [171] 351; Lords' Amendts. [172] 726  
Ways and Means—Income Tax, [170] 648

**Sewage Commission**

Question, Mr. Ker Seymour; Answer, Mr. Brady, [169] 967

*Sewage of Towns*

Observations, Mr. Brady; long Debate thereon, [170] 332;—On Motion of *Mr. Ker Seymour*, Ordered, That the Analysis of Evidence appended to the Report of the Select Committee on Sewage of Towns, in Session 1862, be cancelled, April 28, 1920

**SEYMER, Mr. H. Ker, *Dorsetshire***

Inland Revenue, *Consid. add. cl.* [171] 183  
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Register of Voters, Comm. [169] 1056  
Sewage Commission, [169] 967;—Cancel of Analysis of Evidence, [170] 920  
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**SEYMOUR, Mr. A., *Totnes***

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**SEYMOUR, Mr. Henry Danby, *Poole***

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Herat, Capture of, [172] 1473  
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*Sheep and Cattle, Diseased*

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*Sheep and Cattle (Scotland) Bill*

(*Sir M. S. Stewart, Mr. Dunlop, Mr. H. Baillie*)

c. Ordered \* May 7  
Read 1<sup>o</sup> \* May 8; 2<sup>o</sup> \* June 3 [Bill 115]  
Considered in Committee June 9, [171] 671  
cl. 1 and 2 agreed to  
cl. 3 struck out  
Bill reported \* June 9  
Considered as amended \* June 15  
Read 3<sup>o</sup> \* June 17  
l. Read 1<sup>o</sup> \* (*The Earl of Airlie*) June 18  
Read 2<sup>o</sup> \* June 30 (No. 144)  
Committee \* July 7; Report \* July 9  
Read 3<sup>o</sup> \* July 14  
Royal Assent July 28 [26 & 27 Vict., c. 100]

*Sheep, &c. Contagious Diseases Prevention Bill*

(*Mr. Holland, Sir William Miles*)

c. Read 1<sup>o</sup> \* April 29 [Bill 98]  
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*New South Wales, Victoria, and South Australia*, Petitions and Observations, Earl Grey; Reply, The Duke of Newcastle, [169] 1803  
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**South Eastern Railway Bill**

*c. Read 1<sup>o</sup> Feb. 9*

Moved, "That the Bill be now read 2<sup>o</sup>" Feb. 17, [169] 401; Amendt. "upon this day six months" (*Mr. Dodson*); Question put, "That 'now' &c."—A. 111, N. 142, M. 11; Words added

Main Question, as amended, put, and agreed to; Bill put off for six months

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Bill—It is by no means unusual, and therefore cannot properly be called irregular, to pass a Bill, to which there is no opposition, through two stages in the same day—*Exhibition Medals Bill*, [172] 1487

Bills relating to Religion and Trade—The rule that Bills relating to Religion and Trade shall originate in a Committee of the Whole House applies only to Bills that originate in this House; it does not relate to Bills of that character that come down from the House of Lords—*Statute Law Revision Bill*, [172] 1221



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Bills relating to Public Money and Charges on the Subject—If no charge is imposed on the public by a Bill, the case does not arise in which it would be necessary to go into a Committee of the Whole House to obtain its previous sanction—*Thames Embankment (North Side) Bill*, [169] 355

Chairman of Committees—Authority of—Mr. S. FitzGerald having asked a Question of Mr. Speaker relative to certain Votes in Committee of Ways and Means, Mr. Speaker said: "The Question ought not to be put to me, it should be put to the Chairman of Ways and Means: the Chairman is responsible for the conduct of the business in Committee, and no appeal lies from him to me; and I feel it would be extremely wrong in me to express an opinion on a point that arose in Committee," [170] 109

Debate—When no Question before the House—An hon. Member rising to address the House not in order, there being no Question before the House, [170] 12

Debate—Relevancy to Question—An hon. Member not addressing himself to the Question before the House, called to order—*Appropriation of Supplies—Resolution of Lord R. Montagu*, [169] 1863;—*Analysis of Evidence, Report of Select Committee on Sewage of Towns*, [170] 924

Debate—Premature Discussion of Bills and Motions—Discussion of a Motion which stands on the Paper before it comes on in its regular course, irregular—*Affairs of Poland*, [172] 573;—A general Discussion on a Bill on Motion for Leave, irregular—*Public Works (Manufacturing Districts) Bill*, [172] 478;—Discussion of a Vote about to be introduced in Supply on the Motion for going into Committee of Supply, irregular, [172] 1088;—To anticipate a discussion on a Bill which must come in the course of the present Session under the notice of the House is irregular—It is irregular to discuss the clauses of a Bill which has not yet been presented to the House—When a Bill is introduced, any question about the printing of the Bill, its distribution, and the time for discussing it, ought then to be brought under the notice of the House, and can then be settled—*The Appropriation Bill—Resolutions of Lord R. Montagu*, [169] 739

Debate—Latitude in argument—Mr. Dunlop, examining the evidence against Fleming, in the Case of Jessie MacLachlan, and being interrupted by Mr. Baillie Cochrane, ruled to be in order—*The Glasgow Murder*, [172] 1547

Debate—Latitude of Statement in moving for a Return—*Dissenting Chapels, &c.* [172] 1199

Debate—Limitation of—Any discussion arising upon the names of the persons who should bring in a Bill should be confined to the question who those persons should be, and should not involve a general discussion upon the nature of the Bill—*Public Works (Manufacturing Districts) Bill*, [172] 521

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[*cont.*]SPEAKER, The—*cont.*

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Debate—Latitude of Personal Explanation—"The explanation of a single point which the noble Lord (Lord R. Montagu) may think due to himself, does not afford him the opportunity of entering into a general statement," [169] 636

Debate—Limitation of Personal Explanations as to Persons—"The matter brought before the House is one of personal explanation; and the two hon. Gentlemen (Mr. Tollemache and Col. Pennant) having spoken, and the right hon. Gentleman (The Chancellor of the Exchequer) who was personally referred to, having given some explanation in reply to their remarks, it is not competent for the hon. Member (Mr. Herbert) to continue the discussion"—Mr. Herbert having then, to put himself in order, moved "That the House do now adjourn," Mr. Speaker said, "To go back now to the general subject of a debate which took place some evenings ago, upon the Question of the Adjournment of the House, would be entirely contrary to the rules of the House"—*The Holyhead Committee*, [172] 328;—Several hon. Members offering subsequent observations to the House, Mr. Speaker said, that beyond the explanations of the hon. Members who felt it necessary to make explanations, the whole proceeding was one which was contrary to the rules of the House; and requested that for the sake of order the conversation might not be further prolonged

Debate—When a Member may speak a second time on the same subject—"The hon. Member for Northamptonshire (Mr. Hunt) moved a Clause, and, having spoken upon it, a Motion was afterwards made, that the clause be read a second time: this was a distinct Motion, upon which the hon. Member and the right hon. Gentleman had the power of speaking a second time"—*Inland Revenue Bill*, [172] 189

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Debate—Reading of Documents not produced—Mr. Baillie: "I submit that the hon. Gentleman (Mr. Layard) cannot read documents that have been moved for and not produced"—Mr. Speaker: "The hon. Gentleman can state the contents of the documents which the Government is going to produce"—*American Cruisers and British Merchantmen*, [170] 590

Debate—Reading Extracts from a Report of a Debate—Mr. Speaker: "The noble Lord (Lord R. Montagu) is not in order in reading extracts from a report of a Debate in this House," [169] 636; [172] 359

Debate—To read a letter commenting on a Speech made in this House is entirely out of order—*Consolidated Fund (Appropriation Bill)*, [172] 1259

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Debate—Irregularity of a proceeding which did not conclude with a Motion—*Death of Lieutenant Tinting*, [172] 1169

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Debate—Unparliamentary Expressions—Mr. Speaker: "If the hon. Member (Mr. Bentineck) has said that the hon. and learned Member (Mr. Roebuck) has done anything inconsistent with his character, that is not proper language," [170] 680

"He was astonished that the hon. Member for Finsbury should shield himself under the privilege of a Member of Parliament to make scandalous and unfounded assertions" not Parliamentary—*Volunteers Bill*, [171] 961

Mr. Coningham, commenting on the conduct of the military authorities towards Paymaster Smales said, "Why, the whole proceeding was perfectly disgraceful"—General Peel rose to order—Mr. Speaker said, he thought there was nothing in the language of the hon. Member for Brighton contrary to the rules of the House, [172] 864

Debate—Interruption of a Member about to answer a Question, [169] 1933

Motion—Effect of decision in the negative of the Question that a Bill be now read the second time—Question (April 29) "That the Bill (*The Church Rates Redemption Bill*) be now read the second time"—On division, resolved in the negative;—On May 13 Mr. Alecock moved that the Bill be read a second time on Wednesday the 10th day of June next—Several hon. Members objecting. Mr. Speaker said, that the decision of the House on the former occasion was that the Bill should not then be read the second time; but that decision, though adverse, did not preclude the assumption that the House might be more favourably disposed to it on another day: and the Question was put—*Church Rates Redemption Bill*, [170] 1688

Motion—Time for moving the re-insertion of a subject-matter struck out in Committee—*Pier and Harbour Orders Confirmation Bill* considered in Committee—Mr. Bass proposed to move that the provisional order with respect to the construction of a pier at Rhyll be reinstated in the Bill—Mr. Speaker said, the proper course would be for the hon. Gentleman to move the re-committal of the Bill, in order to reinsert the provisional order relating to Rhyll, [172] 1280

Notice—When the House gives leave to withdraw one Bill with a view to the introduction of another, the practice is to allow such new Bill to be introduced at once—*Railway Bills (No. 2) Bill*, [172] 408

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tings—The Standing Order of May 3, 1861, has no reference to the morning sittings, but only to the evening sittings—*Fisheries (Ireland) Bill*, [172] 708

Privilege—Mr. Speaker acquaints the House that he has received certain letters and documents in the matter of the Lisburn Election Petition, [170] 167

Privilege—Production of documents complained of—"The hon. Member (Sir F. Smith), having brought under consideration a document which he considers a breach of privilege, will be so good as to bring it to the table"—*Breach of Privilege—Mr. E. J. Read*, [169] 801

Privilege—The Lords having inserted in the Fisheries (Ireland) Bill an amendment imposing a duty on rod-fishing, Mr. Speaker said, that as the Lords' Amendment was intended to carry out the intentions of the House of Commons, he thought no objection could be taken to it on the point of order—*Fisheries Ireland Bill*, [172] 1438

Question—Latitude of Observation in putting a Question—"The rule of the House is that in putting a Question no argument or opinion is to be offered, and no new fact stated, except as far as they may be necessary to explain such Question," [169] 1932; [172] 1470.—A subject requiring much explanation is more appropriate for a Motion than a Question, [172] 1470

Question—Latitude permitted to a Minister in answering a Question—"The usual course is to permit a Minister in replying to a Question of this description to enter more into detail than would be deemed right in the case of a private Member"—*Outrage in Brazil*, [169] 146; [172] 69, 1531

Question—Interruption of a Member about to answer a Question, [169] 1933

Standing Order No. 140—Mr. Speaker states the application of the Standing Order to the *Great Eastern Railway (Steamboats) Bill* and certain other Bills, [172] 864

Supply—Motion for going into Committee of Supply—Effect of decision that the words "Mr. Speaker do now leave the Chair" stand part of the Question:—

It is not competent for an hon. Member to make a Motion, the House having already decided that the words proposed to be left out stand part of the Question, [169] 1984; [170] 690; [172] 973, 993

Supply—Amendment on Amendment to Motion "That Mr. Speaker do now leave the Chair" not permitted—*Harbours of Refuge*, [170] 315;—*Civil Service Competitions*, [172] 958

If the Amendment be adopted, it becomes a substantive Motion, on which an Amendment may be moved, [170] 315

Supply—Proper time for introducing a subject—"The proper occasion for any hon. Member to avail himself of the opportunity of introducing topics on the Motion for Committee of Supply is when the Motion is that the House do resolve itself into Committee of

**SPEAKER, The—cont.**

Supply, and not when, as at present, the Question is, that the Committee be appointed for a future day," [169] 193

Supply—Precedence of Motions on going into Committee of Supply—Explanation, Lord Naas, Mr. Hennessy, [172] 812, 813

Supply—Motion on going into Committee of Supply—"The mere fact of the hon. Member not having included this subject (*Case of Serjeant Major Lilley*) in his notice does not place him out of order: it is perfectly competent for him to bring a matter of this kind before the House without notice, on the Motion for going into Committee of Supply," [172] 865

Supply—Discussion of a Vote about to be introduced in Supply on the Motion for going into Committee of Supply, irregular, [172] 1088

Supply—There is nothing contrary to the rules and orders of the House, if the Government, having given notice of a Vote for (£172,000) take a Vote on a particular item and postpone the rest:—*International Exhibition Building*, [172] 74

**Spirits, Customs Duty on**

Consid. in Committee; Motion, "That the Chairman be directed to move the House, that leave be given to bring in a Bill, to reduce the Customs Duty on certain Spirits to be used in the Arts and Manufactures in the United Kingdom" (*Mr. Peel*), [172] 1140; Question put, and negatived [No Report]

**STACPOOLE, Capt. W., Ennis**

Bishoprics, &c. (Ireland), [171] 1047  
Census Returns (Ireland), [170] 1396  
Fisheries (Ireland), *Consid. add. cl.* [172] 504  
Princess Alexandra, Entry of the, [169] 1067  
Salmon Fisheries (Ireland), *Comm.* [169] 1983

**Staleybridge Riots—The Mansion House Committee**

Question, Colonel Wilson Patten; Answer, Sir George Grey, [170] 12;—Explanation, Mr. Ald. Cubitt; Answer, Sir G. Grey, 27

**Stamps on Delivery Orders**

Question, Mr. Bass; Answer, The Chancellor of the Exchequer, [170] 989

**Standards of Weights and Measures**

Question, Mr. Doulton; Answer, Mr. Peel, [171] 980

**Standing Orders—(LORDS)**

Committee on Private Bills appointed Feb. 17  
Committee:—*Ld. President*, D. Somerset, M. Winchester, M. Bath, M. Ailesbury, L. Steward, E. Airlie, E. Hardwicke, E. Carnarvon, E. Romney, E. Chichester, R. Powis, E. Verulam, E. Beauchamp, E. De Grey, E. Stradbroke, E. Amherst, L. Chamberlain, V. Eversley, L.

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**Standing Orders—cont.**

Camoy, L. Saye and Sele, L. Colville of Culross, L. Ponsonby, L. Wycombe, L. Sondes, L. Foley, L. Dinevor, L. Wodehouse, L. Sheffield, L. Colchester, L. Silchester, L. De Tabley, L. Wynford, L. Portman, L. Stanley of Alderley, L. Aveland, L. Belper, L. Ebury, L. Churston, L. Egerton

**Standing Orders—(COMMONS)**

Select Committee nominated Feb. 12

Members:—Colonel Wilson Patten, Mr. Walpole, Mr. Henley, Mr. Wrightson, Mr. Herbert, Mr. Bramston, Mr. Bonham Carter, Mr. Lefroy, Mr. Dunlop, Mr. Fuller, and Mr. Edward Egerton

**STANHOPE, Earl**

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Entailed Estates, Charging of, for Railways, *Comm.* moved for, [169] 1219  
Western Australia—Transportation, Paper moved for, [169] 858

**STANILAND, Mr. M., Boston**

Misappropriation by Servants, 2R. [171] 1397  
Partnership Law Amendment, *Comm.* [172] 840  
Register of Voters, *Comm.* [169] 1056

**STANLEY, Rt. Hon. Lord, King's Lynn**

Alkali Works Regulation, *Comm.* [171] 1166, 1167; *cl.* 12, 1170, 1173; *Lords' Amendts.* [172] 1428  
Army Estimates—Commissariat Establishment, [169] 1450  
Augmentation of Benefices, *Comm. cl. 3*, [172] 1153  
Great Eastern Railway (Steamboats), *Consid.* [172] 859  
India—Port of Sedasheghur, [169] 189;—Waste Lands, Resolution, [170] 1634;—Malwa Field Force, [171] 1178;—Council for, Commission moved for, [172] 783;—Banda and Kirwee Booty, Address moved, 821  
India Sanitary Commission, [172] 952  
Ionian Islands—Removal of Judges, Papers moved for, [170] 1699  
Morayshire Railway, *Consid.* [172] 868  
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Uniformity Acts Amendment, Leave, [170] 1235  
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**STANLEY OF ALDERLEY, Lord (Postmaster General)**

Alkali Works Regulation, 2R. [170] 169, 177; *Comm. cl. 2*, 549; *cl. 4*, 550; *cl. 12*, 551; Report, *cl. 4*, *Amendts.* 770; *Commons' Amendts.* [172] 1144, 1439  
Bakehouses Regulation, 2R. [171] 395

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**STANLEY OF ALDERLEY, Lord—cont.**

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 Fisheries (Ireland), 2R. [172] 850; Comm. 1033; cl. 3, 1035; cl. 4, 1037, 1038, 1039, 1040; cl. 9, 1042; add. cl. 1043; Report, 1145, 1147, 1848; 3R. 1235, 1240, 1244  
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 Local Government Act Amendment, 2R. [170] 464  
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 Telegraphs, 2R. [170] 1765; Commons' Amendts. [172] 1431  
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 West Hartlepool Harbour and Railway, Comm. moved for, [171] 1302

**STANLEY, Hon. W. O., Beaumaris**  
Paupers, Emigration of, [169] 1324**STANSFELD, Mr. J. (Lord of the Admiralty) Halifax**

Admiralty, Board of, Comm. moved for, [171] 1404  
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 Malta New Dock, Papers moved for, [172] 1430  
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 Navy Prize Money, 2R. [171] 1015  
 Poland—Affairs of, Address moved, [169] 913  
 Spirit Duties, [169] 497

**Statute Labour Roads and Bridges (Scotland) Bill**

(Sir J. Ogilvy, Sir J. Fergusson, Sir A. Agnew, Mr. W. Leslie)

c. Read 1<sup>o</sup> \* March 17 [Bill 63]  
 170] Bill read 2<sup>o</sup>, after short Debate, May 13, 1865  
 Committee and Report \* May 15 [Bill 127]  
 171] Bill considered in Committee (on re-comm.) June 23, 1309  
 cl. 1; Moved, "That the Chairman do now leave the Chair" (Mr. Dalglish); After short Debate—A. 20, N. 45, M. 25; cl. agreed to  
 . cl. 2, Amendt. (Sir J. Hay), agreed to, 1311; cl. agreed to  
 . cl. 3, Amendt. (Mr. E. Ellice), 1311  
 Bill withdrawn [No Report]  
 Parl. Papers—Commons . . . Bill 63  
 As amended in Committee. Bill 127

**Statute Labour Roads and Bridges (Scotland) Transfer Bill**

(Sir J. Ogilvy, Mr. Kinnaird)

c. Read 1<sup>o</sup> \* March 17; 2<sup>o</sup> \* May 13 [Bill 64]  
 Committee and Report \* May 15 [Bill 128]  
 Re-committed May 15  
 Bill withdrawn June 23 [No Report]  
 Parl. Papers—Commons . . . Bill 64  
 As amended in Committee . . . 128

**Statute Law Revision Bill [H.L.]**

(The Lord Chancellor)

171] l. Read 1<sup>o</sup> June 12, 775 (No. 133)  
 . Personal Explanation, Lord Brougham, 873  
 172] Read 2<sup>a</sup>, after short Debate, July 7, 339  
 . Committee, and reported, without Amendt. July 9, 411  
 Read 3<sup>a</sup> \* July 10  
 c. Read 1<sup>o</sup> \* July 13 [Bill 238]  
 . Motion, "That the Bill be now read 2<sup>o</sup>" (The Solicitor General), 936; Amendt. to leave out "now," and add "upon this day two months" (Mr. Hennessy); After short Debate, Question put, "That 'now' &c."—A. 45, N. 16, M. 29  
 Bill read 2<sup>o</sup> July 16  
 . Order for Committee read; Motion, "That Mr. Speaker do now leave the Chair" (The Solicitor General) July 23, 1207; Amendt. to leave out from "That," to add "this House will, upon this day week, resolve itself into the said Committee" (Mr. Hennessy), 1213; After Debate, Amendt. withdrawn  
 Bill considered in Committee July 23  
 . Motion, "That the Chairman report Progress" (Mr. Hennessy), negatived, 1222  
 Preamble postponed  
 . cl. 1 (Enactment of Schedule repealed); Amendt. (Mr. Goschen), agreed to, 1222; After short Debate, cl., as amended, agreed to  
 . cl. 2 (Extent of Act), after short Debate, agreed to, 1223  
 . Schedule; Amendt. proposed, in page 19, to leave out "Magna Charta, the great charter of the liberties of England, and of the liberties of the forest" (Mr. Hennessy); After short Debate, Amendt. negatived, 1226  
 . Another Amendt. proposed, to omit the Preamble of Act 13 Charles II. c. 6 (Mr. Hennessy), negatived, 1228  
 After short Debate, Schedule, as amended, agreed to  
 Bill reported  
 Considered as amended \* July 23  
 . Motion, "That the Bill be now read 3<sup>o</sup>" July 24, 1356; Amendt. to leave out "now," and add "upon this day week" (Mr. Hennessy), 1357; After short Debate, Amendt. withdrawn  
 Main Question put, and agreed to  
 Bill read 3<sup>o</sup>, and passed, with Amendts.  
 . l. Observations, Lord St. Leonards, The Lord Chancellor, 1432

**STEWART, Sir M. R. S., Renfrewshire**

MacLachlan, Jessie, Case of, [171] 1316  
 Sheep and Cattle (Scotland), Comm. add. cl. [171] 672  
 Statute Labour Roads and Bridges (Scotland), Comm. cl. 1, [171] 1310

**Stipendiary Magistrates Bill**

(*Mr. H. B. Sheridan, Mr. Cox*)

- c. Ordered \* April 15  
 Read 1<sup>o</sup> \* June 3; 2<sup>o</sup> \* June 18 [Bill 150]  
 Order for Committee read June 25; Moved,  
 "That Mr. Speaker do now leave the Chair"  
 (*Mr. H. B. Sheridan*), [171] 1494; Amendt.  
 "this House will upon this day three months  
 &c." (*Mr. Lygon*); After short Debate,  
 Amendt. withdrawn; Main Question put,  
 and agreed to  
 Bill considered in Committee \* June 25  
 Reported \* June 25 [Bill 189]  
 Committee (on re-comm.) and Report \* July 1  
 Considered as amended \* July 2  
 Amendt. (*Mr. Augustus Smith*), negatived,  
 [171] 143  
 Read 3<sup>o</sup> \* July 6  
 l. Read 1<sup>o</sup> \* July 7 (No. 196)  
 Read 2<sup>o</sup> \* July 14  
 Committee \* July 16; Report \* July 17  
 Read 3<sup>o</sup> \* July 23 (No. 222)  
 Royal Assent July 28 [26 & 27 Vict., c. 97]  
 Parl. Papers—Commons . . . Bill 150  
     As amended in Committee . . . Bill 189  
     With Lords' Amendments . . . Bill 263  
     Lords . . . No. 196  
     As amended in Committee . . . No. 222

**STIRLING, Mr. W., Perthshire**

Edinburgh Botanic Garden—Opening on Sun-  
 days, Resolution, [171] 533  
 Italy—Affairs of Rome, [169] 1416  
 MacLachlan, Jessie, Case of, Papers moved for,  
 [170] 681, 695, 703; [171] 1531  
 Prison Ministers, Comm. cl. 2, [170] 1343  
 Scottish Universities, [171] 1435  
 Supply—Nelson Column, [171] 548  
 Zanzibar, Outrage at, [171] 976, 977

**Stock Certificates to Bearer Bill**

(*Mr. Chancellor of the Exchequer, Mr. Peel*)

- c. Read 1<sup>o</sup> \* March 26 [Bill 76]  
 Read 2<sup>o</sup> \* April 23  
 170 Motion, "That this House do now go into  
 Committee" (*Mr. Chancellor of the Exche-  
 quer*; After Debate, Motion agreed to, 1024  
 . Bill considered in Committee April 30, 1033  
     cl. 1 to 3 agreed to  
     cl. 4, after Debate, agreed to  
     Remaining Clauses agreed to  
 Bill reported April 30  
 . Motion, "That the Bill be now taken into  
 Consideration" May 14, 1136; Debate ad-  
 journed  
 . Debate resumed May 7, 1367  
 Bill considered  
     cl. 4, Amendt. (*Mr. Hunt*); After short De-  
     bate, Question, "That the words &c."  
     agreed to  
     Other Amendments made  
 Read 3<sup>o</sup> \* May 11  
 l. Read 1<sup>o</sup> \* (*The Lord President*) May 12  
 Read 2<sup>o</sup> \* May 19 (No. 100)  
 Committee and Report \* May 21  
 Read 3<sup>o</sup> \* June 1  
 Royal Assent June 8 [26 & 27 Vict., c. 28]  
 Parl. Papers—Commons . . . Bill 76  
     As amended in Committee . . . No. 100  
     As amended on Consideration No. 114  
     Lords . . . No. 100

**Stock Certificates to Bearer [Remunera-  
 tion.]**

Considered in Committee \*; Resolution, April 28  
 Resolution reported, and agreed to \*, April 29

**Stour, River. Conservancy of the**

Question, Col. Rowley; Answer, Mr. Peel,  
 [171] 1765  
 Royal Assent July 28 [26 & 27 Vict., c. 125]

**STRACEY, Sir H. J., Great Yarmouth**

Army Estimates—Works, &c. at Home and  
 Abroad, Amendt. [169] 1773, 1777  
 Church Rates Commutation, 2R. [170] 1263,  
 1268  
 Fortifications at Great Yarmouth, [169] 643,  
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 Metropolitan and City of London Police Amal-  
 gamation, Leave, [170] 521  
 Navigation Schools, [172] 1282, 1359  
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 677  
 United States—The Foreign Enlistment Act,  
 [170] 99

**STRADBROKE, Earl of**

Great Eastern Railway, 2R. [169] 1318

**STRATFORD DE REDCLIFFE, Viscount**

Greece—Affairs of, [172] 1440  
 Greenwich Hospital (Provision for Widows), 2R.  
 [172] 856  
 Ionian Islands, Paper moved for, [171] 1736;—  
 Cession of the, [172] 1440, 1453  
 Poland—Affairs of, [171] 492; Papers moved  
 for, [172] 1344;—Alleged Russian Cruelties,  
 [171] 1114

**STRATHEDEN, Lord**

Dublin Metropolitan Railway, 3R. [170] 1815  
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 194, 855, 1817; Address moved, [172] 1453,  
 1459, 1460  
 Oaths of Allegiance and Supremacy, 1R. [171]  
 1228, 1234  
 United States—The Southern Confederacy,  
 [169] 1714;—Communication from the  
 French Government, [171] 1719  
 Volunteer Force, [169] 720

**STUART, Col. J. F. C. D., Cardiff**

Army—Aldershot Camp, [172] 1160

**STUART, Col. W., Bedford**

Army Estimates—Martial Law, [169] 1546  
 London, Chatham, and Dover Railway (No. 1),  
 2R. [172] 248  
 China—Prize Money, [169] 986  
 Prison Ministers, Leave, [169] 467

**STURT, Mr. H. G., Dorsetshire**

Great Eastern Railway (Steamboats), Consid.  
 [172] 1050  
 Levees and Drawing Rooms, [169] 798

**SULLIVAN, Mr. M., Kilkenny Bo.**

Fisheries (Ireland), Comm. add. cl. [172] 353

**Subscription to Formularies of Faith**

Petition from University of Oxford (*Earl Russell*), [172] 147;—Moved, That the said Petition be printed (*Bishop of Oxford*); After short Debate, Motion, withdrawn, 165;—Explanation, The Earl of Shaftesbury, 248;—Observations, Mr. Dodson; long Debate thereon, 1868

**Subscriptions, Public, to Charitable Funds**

Question, Sir J. Hay; Answer, Sir G. Grey, [169] 572

**Sugar, Drawback on Exported Refined**

Question, Mr. Moffatt; Answer, Mr. Chancellor of the Exchequer, [170] 1152

**Suitors Conciliation Bill [H.L.]**

(*Lord Brougham*)

l. Read 1<sup>st</sup> June 8 (No. 120)  
Order for Second Reading discharged; Bill withdrawn June 29

**Superannuations (Union Officers) Bill**

(*Mr. Villiers, Mr. Gilpin*)

c. Read 1<sup>st</sup> July 20; 2<sup>nd</sup> July 21 [Bill 235]  
Bill withdrawn July 23, [172] 1275

**Supplies, Appropriation of**

Observations, Mr. Speaker; Lord Robert Montagu, [169] 729;—Motion (*Lord Robert Montagu*) March 24, [169] 1848; After long Debate, Motion withdrawn.—Motion (*Mr. Chancellor of the Exchequer*), 1863; Amendt. (*Mr. Hadfield*), 1864; On Question, Amendt. agreed to; Main Question, as amended, agreed to

**SUPPLY, 1863**

Lords Commissioners' Speech consid. Feb. 9; Motion, "That a Supply be granted to Her Majesty;" House in Committee to consider the said Motion, Feb. 10

Resolved, "That a Supply be granted to Her Majesty"

Resolution reported Feb. 11

Supply—Committee deferred Feb. 13

Considered in Committee, Feb. 23, 26, 27<sup>o</sup>

March 5, 6<sup>o</sup>, 9, 12<sup>o</sup>, 13, 16, 20, 23, 26, 27

April 13, 17, 23, 24<sup>o</sup>

May 8<sup>o</sup> 15<sup>o</sup>, 18, 29<sup>o</sup>

June 1, 4, 5, 8, 11, 12<sup>o</sup>, 15, 18, 19<sup>o</sup>, 25

July 2, 3<sup>o</sup>, 6<sup>o</sup>, 10, 10<sup>o</sup>, 16<sup>o</sup>, 17

Supply—Order for Committee read March 25; *Mr. A. Smith* objected to any Votes being taken, when the Estimates had not been laid before the House

Committee deferred

Supply considered in Committee April 17; *Lord K. Cecil* objected to proceeding, on account of the lateness of the hour

Committee report progress

Supply—Order for Committee read April 13;

Motion, "That Mr. Speaker &c." [170] 110

Amendt. "Part I. of the Civil Service Estimates be referred to a Select Committee" (*Mr. A. Smith*); After Debate, Question, "That the words &c." put, and agreed to  
Main Question put, and agreed to

Supply—cont.

**NAVY ESTIMATES, 1863-4**

COMMITTEE Feb. 23.

Total of  
Vote.

76,000 Men and Boys (*Lord C. Paget*)

[169] 669

After long Debate, Vote agreed to £

(1.) £2,921,951, Wages ... 2,921,951

(2.) £1,416,986, Victuals and Clothing ... 1,416,986

Resolutions reported Feb. 24

COMMITTEE Feb. 26.

(3.) £165,322, Admiralty Office,

[169] 818... 165,322

After Debate, Vote agreed to

(4.) £299,695, Coast Guard Service,

Royal Naval Coast Volunteers, and

Royal Naval Reserve [169] 828... 299,695

(5.) £71,961, Scientific Departments

[169] 832... 71,961

(6.) £183,316, Naval Establishments at

Home ... [169] 833... 183,316

(7.) £36,370, Naval Establishments

Abroad ... 36,370

(8.) £1,112,878, Wages to Artificers

[169] 835

Motion to report Progress (*Mr. Lind-*

*say*), withdrawn... [169] 837

After Debate, Original Question agreed

to ... [169] 840... 1,112,878

(9.) £69,957, Wages to Artificers, &c.

Abroad ... [169] 840... 69,957

(10.) £1,334,051, Naval Stores

[169] 840

Amendt. (*Sir M. Peto*), negatived

[169] 840

Motion to report Progress (*Mr. Lind-*

*say*)—A. 13, N. 74, M. 61

[169] 484

Amendt. (*Mr. Lindsay*); Motion with-

drawn ... [169] 847

Original Question agreed to ... 1,334,051

£857,349, Steam Machinery 857,349

Resolutions reported Feb. 27

COMMITTEE March 5.

(11.) £433,298, New Works, Improve-

ments, &c. ... [169] 1109... 433,298

(12.) £66,000, Medicines and Medical

Stores ... 66,000

(13.) £99,370, Naval Miscellaneous

Services ... 99,370

Total for the Effective Service £9,068,504

(14.) £719,341, Half Pay, &c. ... 719,341

(15.) £483,105, Pensions and Allowances 483,105

(16.) £194,932, Civil Pensions and Al-

lowances ... 194,932

Total for the Naval Service £10,465,882

(17.) £270,150, Conveyance of Troops

(Army Department) ... 270,150

Grand Total £10,736,032

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Supply—cont.

## ARMY ESTIMATES, 1863-4.

## I.—REGULAR FORCES.

## COMMITTEE March 9.

	Total of Vote.
Land Forces, 148,242 Men ( <i>Sir G. Lewis</i> )... [169] 1254	
Amendt. ( <i>Mr. Williams</i> ), On Question, A. 19, N. 77, M. 58 [169] 1270	
Original Question agreed to	
(1.) £5,709,733 General Staff and Regimental Pay, &c.... [169] 1270... £ 5,709,733	
Amendt. ( <i>General Peel</i> ); On Question, A. 58, N. 64, M. 6 [169] 1276	
Amendt. ( <i>Sir M. Peto</i> ); On Question, A. 28, N. 96, M. 68 [169] 1279	
Original Question again proposed	
Motion to report Progress ( <i>Sir J. Trevelyan</i> )—A. 25, N. 80, M. 55 [169] 1283	
Motion, "That the Chairman do now leave the Chair" ( <i>Mr. White</i> ), negatived ... [169] 1284	

Resolution reported March 11

## COMMITTEE March 13.

£5,709,733, General Staff and Regimental Pay, &c. [169] 1426	
(2.) £1,223,936, Commissariat Establishment [169] 1446	
Amendt. ( <i>Mr. A. Mills</i> ); After Debate withdrawn ... [169] 1446	
Amendt. ( <i>Mr. A. Mills</i> ); On Question—A. 65, N. 71, M. 6 [169] 1456	
Original Question agreed to ... 1,223,936	
(3.) £630,385 Clothing Establishments [169] 1457	
Motion to report Progress ( <i>Col. Dickson</i> ), withdrawn [169] 1457	
Amendt. ( <i>Col. Dickson</i> ); After short Debate, negatived [169] 1457	
Original Question agreed to ... 630,385	

Resolutions reported March 16

## COMMITTEE March 16.

(4.) £635,637, Barrack Establishment [169] 1544... 635,637	
(5.) £46,097, Divine Service ... 46,097	
(6.) £43,012, Martial Law [169] 1545 ... 43,012	
(7.) £255,993, Medical Establishments [169] 1546... 255,993	

## II.—AUXILIARY FORCES.

(8.) £751,084, Disembodied Militia [169] 1547... 751,084	
(9.) £94,162, Yeomanry [169] 1547... 94,162	
Motion to Report Progress ( <i>Lord Lovaine</i> ), withdrawn; Vote agreed to	

Resolutions reported March 17

## COMMITTEE March 20.

(10.) £321,884, Volunteers, [169] 1703	
Amendt. ( <i>Lord Lovaine</i> ); After Debate, withdrawn; Vote agreed to ... 321,884	
(11.) £55,847, Enrolled Pensioners and Army Reserve... [169] 1709... 55,847	

[cont.]

Supply—cont.

## III.—STORES.

Total of  
Vote.

(12.) £956,365, Manufacturing Departments ... [169] 1709... 956,365	
Amendt. ( <i>Sir H. Willoughby</i> ) [169] 1710	

Resolutions reported March 23

## COMMITTEE March 23.

£956,365, Manufacturing Departments [169] 1757	
Amendt. ( <i>Sir H. Willoughby</i> ); On Question—A. 45, N. 94, M. 49	
(13.) £838,369, Warlike Stores [169] 1770... 838,369	

## IV.—WORKS AND BUILDINGS.

(14.) £810,941, Superintending Establishment of Works, Buildings, &c. [169] 1770	
Amendt. ( <i>Sir H. Stracey</i> ); Motion, being irregular, not put, [169] 1774	
Amendt. ( <i>Mr. Baxter</i> ); On Question—A. 43, N. 75, M. 32 [169] 1780	
Original Question agreed to ... 810,941	

## V.—OTHER SERVICES.

(15.) £172,201, Military Education [169] 1781... 172,201	
(16.) £85,441, Surveys, &c. [169] 1781... 85,441	
(17.) £88,135, Miscellaneous Services [169] 1782... 88,135	
(18.) £213,177, Administration of the Army ... [169] 1783... 213,177	

Total Effective Services ... £12,932,399

## VI.—NON-EFFECTIVE SERVICES.

(19.) £25,933, Rewards for Military Service ... .. £25,933	
(20.) £77,782, Pay of General Officers ... 77,782	
(21.) £464,895, Pay of Reduced and Retired Officers ... 464,895	
(22.) £172,157, Widows' Pensions and Compassionate Allowances ... 172,157	
(23.) £32,843, Pensions and Allowances to Wounded Officers ... 32,843	
(24.) £33,776, In-Pensioners of Chelsea and Kilmainham Hospitals ... 33,776	
(25.) £1,142,702, Out-Pensioners of Chelsea Hospital ... 1,142,702	
(26.) £144,964, Superannuation Allowances, &c. ... [169] 1786... 144,964	
(27.) £32,786, Disembodied Militia ... 32,786	

Resolutions reported March 24

Total, Non-Effective Services £2,127,838

## RECAPITULATION.

Effective Services ... £12,932,399	
Non-Effective Services ... 2,127,838	
Total, Effect. and Non-Effect. Serv. £15,060,237	

[cont.]

Supply—cont.

## CIVIL SERVICE ESTIMATES, 1863-4.

## CLASS I.—PUBLIC WORKS AND BUILDINGS.

The Votes marked † “to complete sums”  
for the several Services.

COMMITTEE June 1.	Total of Vote.
(1.) £30,243, Royal Palaces † [171] 204	£ 45,243
After short Debate, agreed to	
(2.) £82,751, Maintenance and Repair of Public Buildings, &c. † [171] 205	
Amendt. “That a sum not exceeding £75,751, be granted &c.” ( <i>Mr. A. Smith</i> ); After Debate, Motion with- drawn ... [171] 208	
Original Question agreed to ...	117,751
(3.) £13,879, Supply and Repair of Furniture † ... [171] 212	
Amendt. “That a sum not exceeding £9,000 be granted &c.” ( <i>Mr. A. Smith</i> )—A. 23, N. 66, M. 43, [171] 213	
Original Question agreed to ...	18,879
(4.) £77,952, Royal Parks, Pleasure Grounds, &c. † ... [171] 213	
Amendt. “That a sum not exceeding £70,000 be granted &c.” ( <i>Col. Bart- telot</i> )—A. 67, N. 115, M. 48	
Original Question agreed to ...	97,952
(5.) £36,444, New Houses of Parlia- ment † ... [171] 227	
After Debate, Motion, “That the Chairman do report Progress &c.” ( <i>Mr. W. Williams</i> ); Motion with- drawn	
Original Question agreed to ...	46,444
Resolutions reported June 3	
COMMITTEE June 4.	
(6.) £5,329, Maintenance and Repairs of Embassy Houses, &c. Abroad [171] 367	
Amendt. “That a sum not exceeding £4,929 be granted, &c.” ( <i>Lord R. Cecil</i> )—A. 74, N. 68, M. 6 [171] 369	
Original Question, as amended, agreed to ...	4,929
(7.) £748, British Consulate, Constanti- nople ...	748
(8.) £30,000, New Foreign Office † [171] 373...	40,000
After Debate, Vote agreed to	
9.) £3,674, Industrial Museum, Edin- burgh ...	3,674
(10.) £1,459, Aberdeen University ...	1,459
(11.) £22,000, Probate Court Registries	22,000
(12.) £3,727, General Register House, Edinburgh ...	3,727
(13.) £20,000, Public Record Reposi- tory ...	20,000
(14.) £1,806, Court of Probate Princi- pal Registry ... [171] 375...	1,806
After short Debate, Vote agreed to	

Supply—cont.

	Total of Vote. £
(15.) £1,500, Site of the New Fo- reign Office ... [171] 377...	1,500
After short Debate, Vote agreed to	
(16.) £12,000, Westminster Bridge Ap- proaches ... [171] 378...	12,000
After short Debate, Vote agreed to	
(17.) £12,357, New Westminster Bridge † ... [171] 378...	19,357
After short Debate, Vote agreed to	
(18.) £983, National Gallery, Dublin, agreed to ...	983
Motion, “That the Chairman Report Progress” ( <i>Mr. W. Williams</i> ); Mo- tion agreed to ... [171] 380	

Resolutions reported June 5

## COMMITTEE June 5.

(19.) £165,000, Harbours of Refuge [171] 450	
Amendt. “That the item of £80,000, for the Harbour at Alderney, be omitted from the proposed Vote” ( <i>Mr. Lindsay</i> ); After Debate, A. 62, N. 76, M. 14 ... [171] 451	
Original Question agreed to ...	165,000
(20.) £48,339, for Works and Expenses at the New Packet Harbour and Harbour of Refuge at Holyhead, for Portpatrick Harbour, and for Works at Spurn Point † ... [171] 458	
Amendt. “That 43,339 be granted &c.” ( <i>Sir Hugh Cairns</i> ); Motion withdrawn ... [171] 461	
Original Question again proposed	
Amendt. “That £47,339 be granted &c.” ( <i>Mr. A. Smith</i> ); Motion with- drawn ... [171] 467	
Original Question agreed to ...	68,339
(21.) £89,618, Erecting &c. Public Buildings in Ireland † [171] 467	
Amendt. “That £36,618 be granted &c.” ( <i>Mr. Maguire</i> ); After Debate— A. 19, N. 84, M. 65 [171] 471	
Original Question agreed to ...	114,618
Resolutions reported June 9	
Motion, “That the said Resolutions be now read a second time” [171] 672	
Motion, “That the Debate be now ad- journed” ( <i>Sir James Elphinstone</i> ), agreed to	
Debate adjourned	
Debate resumed June 11 [171] 773	
First Resolution, £165,000, Harbours of Refuge	
Amendt. “£85,000” ( <i>Sir J. Elphin- stone</i> ); Question “That ‘£165,000’ stand part of the Resolution—A. 44, N. 40, M. 4 ... [171] 773	
Second Resolution agreed to	
Third Resolution, £89,000, Public Buildings (Ireland)	
Amendt. “£79,000” ( <i>Mr. Lygon</i> ); Question “That the words proposed &c.”; Amendt. withdrawn	
Resolution agreed to	

[cont.]



SUP      SUP      {GENERAL INDEX}      SUP      SUP

Supply—cont.

COMMITTEE June 8.		Total of Vote.
(22.) £8,000, New Record Buildings, Dublin †	...	10,000
(23.) £800, Franklin Monument	...	800
(24.) £6,000, Nelson Column	...	
	[171] 546	
After Debate, Vote agreed to	...	6,000
£28,914, Light-houses Abroad †	...	
	[171] 551	
Amendt. "That the Item of £8,000, for the Little Basses Rocks Light-ship (re-Vote), be omitted from the pro- posed Vote" (Mr. Childers)	...	
	[171] 551	
Committee and House counted out		

COMMITTEE June 11.		
(25.) £28,914, Light-houses Abroad †	...	
	[171] 734	
Question again proposed, "That the Item of £8,000, for the Little Basses Rocks Light-ship (re-Vote), be omitted from the proposed Vote" (Mr. Chil- ders); Amendment withdrawn	...	
Question again proposed	...	
Motion, "That the Item of £9,000, for the Bahamas (Elbow and Great Stirrup Cay) be omitted" (Mr. A. Smith), negatived	...	
Original Question agreed to	...	31,914
(26.) £6,000, Sheriff Court Houses (Scotland) agreed to	...	6,000
(27.) £19,000, Rates for Government Property †	...	27,000
	[171] 737...	
After Debate, Vote agreed to		

COMMITTEE June 15.		
(28.) £67,000, for the Purchase of Land and certain Buildings from Her Ma- jesty's Commissioners for the Exhi- bition of 1861	...	
	[171] 903	
After long Debate, Motion "That the Chairman do report Progress &c." (Mr. Elcho), negatived	...	
Original Question put—A. 267, N. 135, M. 132	...	
Resolution agreed to	...	67,000
Total, Class I.	...	£960,123

COMMITTEE July 2.		
Motion, That a sum, not exceeding £105,000, be granted &c. for the Purchase of the existing EXHIBITION BUILDINGS at KENSINGTON (Mr. Chancellor of the Exchequer)	...	
	[172] 74	
After long Debate, Motion, That the Chairman do report Progress (Sir Stafford Northcote), negatived	...	
	[172] 127	
Motion, That a sum, not exceeding £80,000 &c. (Sir Stafford Northcote)	...	
	[172] 131	
After short Debate, Motion withdrawn	...	
Original Question put—A. 121, N. 287, M. 166	...	

Supply—cont.

CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.		Total of Vote.
COMMITTEE March 26.		
(1.) £56,986, The Houses of Parlia- ment †	...	£
	[169] 1957...	74,986
(2.) £38,730, Treasury †	...	51,730
(3.) £19,263, Home Office †	...	26,263
(4.) £56,325, Foreign Office †	...	72,325
(5.) £23,047, Colonial Office †	...	31,047
(6.) £14,637, Privy Council Office †	...	20,637
(7.) £47,181, Board of Trade, &c. †	...	
	[169] 1958...	62,181
(8.) £1,094, Privy Seal Office †	...	2,994
(9.) £6,741, Civil Service Commission †	...	
Report March 27; Amendt. £5,241 (Mr. A. Smith), withdrawn, [170] 107	...	8,741
(10.) £14,640, Paymaster General †	...	19,640
(11.) £2,923, Department of the Com- ptroller General of the Exchequer †	...	4,923
(12.) £22,867, Office of Works and Pub- lic Buildings †	...	30,857
(13.) £19,839, Office of Woods, Forests, and Land Revenues †	...	26,839
(14.) £16,235, Public Record Office †	...	20,235
(15.) £137,424, Poor Law Commissions †	...	227,424
(16.) £37,901, Mint †	...	52,901
(17.) £19,610, Inspectors of Factories †	...	26,610
(18.) £4,316, Exchequer and other Offices in Scotland †	...	6,316
(19.) £2,445, Household of the Lord Lieut. of Ireland †	...	6,445
(20.) £11,580, Offices of the Chief Se- cretary for Ireland †	...	16,580
(21.) £2,752, Inspectors of Lunatic Asylums, Ireland †	...	3,752
(22.) £16,314, Office of Public Works, Ireland †	...	24,314
(23.) 25,060, Commissioners of Audit †	...	34,060
(24.) £14,351, Copyhold, Inclosure, and Tithe Commission †	...	19,351
(25.) £10,090, Inclosure and Drainage Acts; Imprest Expenses †	...	13,090
(26.) £37,511, General Register Offices †	...	48,511
(27.) £10,982, National Debt Office †	...	14,982
(28.) £2,910, Public Works Loan and West India Relief Commissions †	...	3,910
(29.) £5,111, Lunacy Commissions †	...	7,111
(30.) £1,223, Superintendent of County Roads, South Wales [169] 1961...	...	1,223
(31.) £2,374, Registrars of Friendly Societies	...	2,374
(32.) £12,243, Charity Commission †	...	18,243
(33.) £4,495, Office in London under the Local Government Act, &c. †	...	6,495
(34.) £2,342, Agricultural and Emi- gration Statistics (Ireland) †	...	3,342
(35.) £1,193, Landed Estates Record Offices †	...	2,193
(36.) £1,098, Quarantine Expenses †	...	2,098
(37.) £24,000, Foreign and other Se- cret Services †	...	
	[169] 1961	
After Debate, agreed to	...	32,000
(38.) £244,139, Printing and Station- ery †	...	314,139
(39.) £90,025, Postage of Public De- partments †	...	120,025
Total of Class II.	...	£1,490,887

[cont.]

*Supply—cont.*

## CLASS III.—LAW AND JUSTICE.

The Votes marked † are “to complete sums”  
for the several Services named

COMMITTEE April 13: REPORT April 15

ENGLAND.	Total of Vote
(1.) £14,610, Law Charges, &c. † ...	£24,610
(2.) £120,808, Prosecutions at Assizes and Quarter Sessions † ...	190,808
(3.) 208,050, Police in England, Wales, and Scotland † ...	228,050
(4.) £2,178, Crown Office, Queen's Bench † ...	3,178
(5.) £8,510, High Court of Admiralty, and Admiralty Court, Dublin † ...	11,510
(6.) £2,458, Commissioner of the late Insolvent Debtors Court, &c. † ...	4,458
(7.) £53,530, Courts of Probate and Divorce and Matrimonial Causes † ...	83,530
(8.) £116,010, County Courts † ...	166,010
(9.) £8,331, Office of Land Registry ...	8,331
(10.) £19,725, Police Courts of the Metropolis † ...	25,725
(11.) £103,519, Metropolitan Police † ...	143,519
(12.) £17,850, Revising Barristers (England and Wales) ...	17,850
(13.) £500, Annuities under the Di- vorce and Matrimonial Causes Act † ...	1,500
(14.) £13,959, Compensations, &c. un- der the Bankruptcy Act, 1861 † ...	18,959

## SCOTLAND.

(15.) £2,577, Lord Advocate and So- licitor General, Scotland † ...	3,577
(16.) £13,090, Court of Session in Scotland † ...	18,090
(17.) £7,081, Court of Justiciary in Scotland † ...	11,081
(18.) £2,500, Criminal Prosecutions under authority of the Lord Advocate † ...	4,500
(19.) £1,580, Legal Branch of the Exchequer in Scotland ...	1,580
(20.) £35,231 Criminal Prosecutions, &c. (Scotland) ...	35,231
(21.) £15,605, Procurators Fiscal in Scotland † ...	22,605
(22.) £11,380, Sheriff Clerks, Scot- land † ...	15,380
(23.) £3,695, Solicitor for Titles, &c. in Scotland ... [170] 114...	3,695
After short Debate, Vote agreed to	
(24.) £11,192, General Register House, Edinburgh † ...	16,192
(25.) £1,320, Commissary Clerk, Edin- burgh ...	1,320
(26.) £1,487, Accountant in Bank- ruptcy (Scotland) ...	1,487

## IRELAND.

(27.) £41,134, Criminal Prosecutions, &c. in Ireland † ...	61,134
(28.) £2,635, Court of Chancery in Ire- land † ...	5,635
(29.) £302, Courts of Queen's Bench, Common Pleas, &c. † ...	10,302
(30.) £8,300, Process Servers, Ireland “932, Registrars to Judges, &c. in † ...	8,300
30, Compensations to Sene- s. of Manor Courts, Ireland † ...	2,630

LXXII. [THIRD SERIES.]

*Supply—cont.*

Total of  
Vote.

(33.) £1,782, Office for Registration of Judgments in Ireland † ...	2,782
(34.) £150, Fees to Commissioners of High Court of Delegates in Ireland ...	150
(35.) £4,403, Court of Bankruptcy and Insolvency in Ireland † ...	6,403
(36.) £5,330, Court of Probate, Ireland † ...	10,330
(37.) £5,632, Landed Estates Court, Ireland † ...	11,632
(38.) £1,150, Office of Writs, Dublin... † ...	1,150
(39.) £420, Revising Barristers, Dublin ...	420
(40.) £28,100, Police Justices, &c. Dub- lin † ... [170] 115...	48,100
After short Debate, Vote agreed to	
(41.) £527,517, Constabulary Force in Ireland † ...	727,517
(42.) £1,714, Four Courts, Marshalsea Prison, Dublin † ...	2,714

PRISON AND CONVICT SERVICES AT  
HOME AND ABROAD.

(43.) £10,641, Prisons, &c. † ...	17,641
(44.) £299,454, Government Prisons and Convict Establishments at Home † ...	359,454
(45.) £222,043, Maintenance of Pri- soners in County Gaols, &c. † ... [170] 116	262,043
After short Debate, Vote agreed to	
(46.) £32,133, Transportation of Con- victs, &c. † ... [170] 116	37,133
After short Debate, Vote agreed to	
(47.) £96,163, Convict Establishments in the Colonies † ... [170] 117	136,163
After short Debate, Vote agreed to	

Total of Class III. ... £2,780,341

## CLASS IV.—EDUCATION, SCIENCE, AND ART.

The Votes marked † “to complete the sums” for  
the several Services named

COMMITTEE June 11	Total of Vote.
(1.) £604,002, Public Education, Great Britain (Mr. Lowe) † [171] 744...	
Motion, “That £574,002, be granted &c.” (Mr. Black) [171] 750	
After Debate, Motion withdrawn	
Original Question agreed to	£804,002
(2.) £82,883, Department of Science and Art † ... [171] 760...	
Motion, “That £72,883 be granted &c.” (Mr. A. Smith); After Debate —A. 31, N. 129, M. 98 [171] 760	
Original Question agreed to	122,883

Resolutions reported June 15

Resolution, Department of Science  
and Art, read 2<sup>o</sup>  
Amendt. to leave out “£82,883,” and  
insert “£72,883” (Mr. A. Smith)  
[171] 957

After short Debate, Question put,  
“That ‘£82,883’ stand part of the  
Resolution”—A. 147, N. 19, M. 128  
Resolution agreed to

COMMITTEE June 15: REPORT June 17

(4.) £805, Commissioners of Education, Ireland (Office Expenses) ...	805
(5.) £3,500, University of London † ...	

Digitized by Google [171] 938...

## Supply—cont.

Amendt. "That £3,000 be granted &c." ( <i>Mr. A. Smith</i> ), negatived	£.
Original Question agreed to	5,500
(6.) £13,905, Universities, &c. Scotland † ...	19,905
(7.) £1,296, Queen's University in Ireland † ... [171] 939	
After Debate, Vote agreed to ...	2,296
(8.) £3,800, Queen's Colleges, Ireland † [171] 944	
Amendt. "That £1,800 be omitted" ( <i>Mr. Scully</i> ), negatived	
Original Question agreed to ...	4,800
(9.) £500, Royal Irish Academy ...	500
(10.) £500, National Gallery (Ireland) ...	500
(11.) £1,500, Theological Professors, Belfast † ... [171] 946	
Amendt. "That £450 be granted &c." ( <i>Mr. Hadfield</i> ) ... [171] 946	
After Debate—A. 25, N. 95, M. 70	
Original Question agreed to ...	2,500
Motion, "That the Chairman do report these Resolutions to the House"—A. 108, N. 20, M. 88	

## COMMITTEE July 10.

(12) £65,541, British Museum ...	90,541
After Debate, Vote agreed to, [172] 545	

## COMMITTEE June 18.

(3) £236,016, Public Education in Ireland † ( <i>Sir R. Peel</i> ) [171] 1068	
Amendt. "That the Item of £19,180, for District Model Schools, be reduced by the sum of £268" ( <i>Mr. O'Reilly</i> )—A. 38, N. 122, M. 84 [171] 1111	
After short Debate, Motion "That the Chairman do report Progress" ( <i>Mr. Hennessy</i> )—A. 36, N. 115, M. 79 [171] 1111	
After short Debate, Motion "That the Chairman do now leave the Chair" ( <i>Mr. Hennessy</i> )—A. 31, N. 110, M. 79 [171] 1112	

After short Debate, Motion to report Progress" (*Col. Greville*), agreed to

## COMMITTEE June 25.

£236,016, Public Education, Ireland † [171] 1470	
Amendt. "That £230,500 be granted &c." ( <i>Mr. Williams</i> ); After Debate, negatived ... [171] 1474	
Original Question put, and agreed to ...	306,016
(13.) £12,028, Expenses of the National Gallery, including the purchase of Pictures † ... [171] 1478	
Amendt. "That the Item of £2,000, for Incidental Travelling Expenses, Agency, &c., be reduced by the sum of £1,000" ( <i>Mr. Coningham</i> ); After short Debate, withdrawn, [171] 1479	
Original Question put, and agreed to ...	16,028
(14) £1,500, British Historical Portrait Gallery .. [171] 1481...	1,500
After short Debate, Vote agreed to	
(15.) £3,141, Scientific Works and Experiments † ...	7,141
(16) £500, Royal Geographical Society	500
(17) £1,000, Royal Society ...	1,000

Total of Class IV. ... £1,386,417

## Supply—cont.

## CLASS V.—COLONIAL CONSULAR AND OTHER FOREIGN SERVICES.

The Votes marked † to "complete the sums" for the several Services named

COMMITTEE June 25 : REPORT June 29.	Total of Vote.
NORTH AMERICA.	
(1) £4,200, Bermudas ...	4,200
(2) £4,288, Ecclesiastical Establishment, British North American Provinces ... [171] 1482...	4,288
After short Debate, Vote agreed to	
(3) £1,438, Indian Department, Canada	1,438
(4) £17,121, British Columbia † [171] 1482...	22,121
After short Debate, Vote agreed to	
(5) £2,500, Vancouver's Island [171] 1483...	2,500
After short Debate, Vote agreed to	

## WEST INDIES, &amp;c.

(6) £21,745, Governors, &c. West Indies and other Colonies † [171] 1438...	27,745
After short Debate, Vote agreed to	
(7) £9,000, Justices, West Indies ...	9,000

## AFRICA.

(8) £10,230, West Coast of Africa † [171] 1484...	14,230
Amendt. "That the Item of £2,000, for the Civil Establishments at Lagos, be omitted" ( <i>Sir F. Baring</i> ); After Debate, negatived... [171] 1484	
Original Question put, and agreed to	
(9) £5,602, St. Helena ...	5,602
(10) £700, Orange River Territory ...	700
(11.) £5,000, British Kaffraria ...	5,000

## MISCELLANEOUS.

(12.) £960, Heligoland ...	960
(13.) £4,286, Falkland Islands ...	4,286
(14.) £4,850, Labuan † ...	6,850
(15.) £300, Pitcairn's Islanders ...	300
(16.) £26,622, New Zealand ...	26,622
(17.) £5,000, Buildings at Cape York	5,000
(18.) £6,720, Emigration † ...	10,720

## COMMITTEE March 26 : REPORT March 27

(19.) £9,662, Treasury Chest † ...	14,662
(20.) £6,500, Niger Expedition [169] 1963...	6,500
Motion to report Progress ( <i>Col. Sykes</i> ) withdrawn	
Original Question agreed to	

## COMMITTEE June 25 : REPORT June 29

(21.) £66,000, Bounties on Slaves, &c. †	86,000
(22.) £6,950, Mixed Commissions † ...	10,950
(23.) £116,543, Consuls Abroad † ...	166,543
(24.) £71,054, Services in China, Japan, and Siam † ...	81,054
(25.) £23,000, Extraordinary Disbursements of Her Majesty's Embassies and Missions Abroad † ...	35,000
(26.) £30,000, for Special Missions, Outfits, &c. † ...	50,000

*Supply—cont.*

	Total of Vote. £.
(27.) £2,825, Salaries Third Secretaries to Embassies † ... [171] 1489...	4,825
After short Debate, Vote agreed to	
(28.) £4,300, North American Boundary Commission ... [171] 1490...	4,300
After Reply, Vote agreed to	
Resolutions reported June 29	
Total of Class V. ...	£611,396

**CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES, AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.**

The Votes marked † “to complete the sums” for the several Services named

	Total of Vote. £.
<b>COMMITTEE March 26.</b>	
(1.) £116,462, Superannuation and Retired Allowances † ... [169] 1965...	176,462
(2.) £744, Toulonese and Corsican Emigrants, &c. ...	744
(3.) £325, Refuge for the Destitute ...	325
(4.) £1,966, Polish Refugees and Distressed Spaniards †... [169] 1966...	2,966
(5.) £55,700, Merchant Seamen's Fund Pensions ...	55,700
(6.) £10,400, Relief of Distressed British Seamen Abroad † ...	20,400
(7.) £2,625, Miscellaneous Charges, formerly Civil List † ...	3,625
(8.) £1,451, Public Infirmaries (Ireland) †	2,451
(9.) £1,600, Westmoreland Lock Hospital † ...	2,600
(10.) £700, Rotunda Lying-in Hospital	700
(11.) £200, Coombe Lying-in Hospital	200
(12.) £4,600, House of Industry, Dublin †	7,600
(13.) £1,500, Cork Street Fever Hospital † ...	2,500
(14.) £600, Meath Hospital ...	600
(15.) £100, St. Mark's Ophthalmic Hospital ...	100
(16.) £1,300, Dr. Stevens' Hospital ..	1,300
(17.) £245, Board of Superintendence of Dublin Hospitals ...	245
(18.) £5,847, Concordatum Fund † ...	8,847
(19.) £25,278, Non-conforming, and other Ministers (Ireland) † [169] 1966; A. 53, N. 26, M. 27 ...	40,278

Resolutions reported March 27

Total of Class VI. ... £327,643

**CLASS VII.—MISCELLANEOUS, SPECIAL, AND TEMPORARY OBJECTS.**

The Votes marked † “to complete the sums” for the several Services named

	Total of Vote. £.
<b>COMMITTEE July 10.</b>	
(1.) £3,750, Ecclesiastical Commissioners... [172] 540...	3,750
After short Debate, Vote agreed to	
(2.) £10,917, Temporary Commissions †	16,917
(3.) £17,015, Patent Law Expenses †...	30,015

*Supply—cont.*

	Total of Vote. £.
(4.) £9,744, Fishery Board (Scotland) †	£14,744
(5.) £2,000, Trustees of Manufactures (Scotland) ...	2,000
(6.) £23,928, Local Dues on Shipping under Treaties of Reciprocity † [172] 540...	53,928
After short Debate, Vote agreed to	
(7.) £1,220, Inspectors of Corn Returns † ...	3,220
(8.) £800, Boundary Survey (Ireland)	800
(9.) £1,000, Brehon Laws (Ireland) [172] 541...	1,000
After short Debate, Vote agreed to	
(10.) £3,961, Census of the Population †	18,961
(11.) £680, Malta and Alexandria Telegraph, and Subsidies to Telegraph Companies ...	680
(12.) £23,455, Marriage of the Prince of Wales... [172] 541	23,455
After Debate, Vote agreed to	
(13.) £4,000, Powder Ship, Dublin [172] 543...	4,000
After short Debate, Vote agreed to	
£3,781, Miscellaneous Charges from Civil Contingencies † [172] 543...	25,000
After Debate, Motion withdrawn	

**COMMITTEE April 23**

(14.) £50,000, Memorial for the late Prince Consort ... [170] 601...	50,000
After Debate agreed to, <i>Nemine Contradicente</i>	
Resolution reported April 24, [170] 759	
Moved, That the further consideration of the said Resolution be postponed (Mr. Coningham) [170] 761	
After Debate, Motion withdrawn ; Resolution agreed to	

Total of Class VII. ... £248,470

**COMMITTEE, April 23.**

<b>KENTON AND YENIKALE PRIZE MONEY</b>	£.
[170] 612...	85,925

**COMMITTEE, March 26.**

£1,953, 000, on account of certain Civil Services ... [169] 1952	
--	--

**COMMITTEE, April 23.**

£1,000,000, to pay off and discharge Exchequer Bonds	
--	--

**REVENUE DEPARTMENTS, 1863-4.****COMMITTEE, March 26.**

Vote I. Customs (Salaries and Expenses) ... [169] 1954...	£.
Vote II. Inland Revenue (Salaries and Expenses) ... [169] 1955...	1,351,771
Vote III. Post Office [169] 1955...	2,098,920
Vote IV. Superannuations ...	515,796

Total of Revenue Departments... £4,720,641

**POST OFFICE PACKET SERVICE.****COMMITTEE, May 18.**

£250,000, “on account of” Post Office Packet Service... [170] 1855	
--	--

*Supply—cont.*Total of  
Vote.

Amendt. to leave out after "March 1864" (*Sir S. Northcote*) [170] 1864  
After long Debate, Question, "That the words &c." put—A. 176, N. 168, M. 8

Original Question agreed to

Division List—Ayes and Noes,  
[170] 1919

Resolution (*May* 18), Packet Service  
Estimate, reported, and read 2° *May*  
28 ... [170] 2023

Amendt. to leave out from "March 1864" (*Mr. Walpole*) [170] 2024  
After long Debate, Question put, "That the words &c."—A. 205, N. 191, M. 14

Resolution agreed to

Division List—Ayes and Noes,  
[170] 2059

**COMMITTEE, July 17.**

Motion, "That a sum, not exceeding £700,000, be granted &c. which sum includes provision for payments to Mr. Joseph George Churchward, for the conveyance of Mails between Dover and Calais and Dover and Ostend, from the 1st April 1865 to 20 June 1865†" [172] 1019

Whereupon Motion, "That the item of £3,110, for conveyance of Mails between Dover and Ostend, be omitted from the present vote" (*Mr. Ayrton*)  
—A. 28, N. 75, M. 49 [172] 1028  
Motion, "That the Chairman do report Progress" (*Mr. Beggan*)  
[170] 1028

After short Debate, Motion withdrawn  
Original Question agreed to ... £950,000

Resolution reported July 20

**SUMMARY.****SUMS VOTED IN SUPPLY, SESSION 1863.**

ARMY SERVICES ...	£15,060,237
NAVY ...	10,736,032
CIVIL SERVICES—viz.	
I. Public Works and Buildings ...	£893,523
II. Salaries &c. Public Departments ...	1,490,887
III. Law and Justice ...	2,780,341
IV. Education, Science, and Art ...	1,386,417
V. Colonial and Consular Services ...	611,306
VI. Superannuations, &c. ...	327,643
VII. Miscellaneous ...	202,251
	<hr/> 7,692,458
Kertch and Yenikale Prize Money ...	85,925
Revenue Departments .	4,720,641
Post Office Packet Service ...	950,000
	<hr/>
Total SUPPLY SERVICES voted, 1863 ..	£39,358,112

SUTHERLAND, Duke of  
Italy—Case of Mr. Bishop, [170] 1511

*Sweden, Russia, and Poland*

Question, Mr. Darby Griffith, [170] 345; Answer, Viscount Palmerston, 358

*Sydenham, The Roman Catholic Burying-ground at*

Question, Mr. Newdegate, [172] 1469; Answer, Mr. H. A. Bruce, 1471

*Sydney, Viscount, and Mr. Budden*

Personal Explanation, Lord C. Paget, [169] 573;—Personal Explanation, Lord C. Paget, Lord R. Montagu, [169] 638

*Sydney Branch Mint*

Question, Mr. Ald. Salomons; Answer, The Chancellor of the Exchequer, [169] 640

*Sydney Branch Mint Bill*

(*Mr. Chancellor of the Exchequer, Mr. Peel*)

c. Read 1° \* July 8; 2° \* July 9 [Bill 217]

Committee and Report \* July 10

Read 3° \* July 13

l. Read 1° \* (*Lord President*) July 14

Read 2° \* July 17 (No. 217)

Committee and Report \* July 20

Read 3° \* July 21

Royal Assent, July 28 [26 & 27 Vict., c. 73]

*SYKES, Col. W. H., Aberdeen City*

Address in answer to the Speech, [169] 97

Army Estimates—Land Forces, [169] 1268;

—General Staff, 1431;—Warlike Stores, 1770;—Works, &c. at Home and Abroad, 1774

Army Expenditure, [171] 1451

Book Post to India and China, [169] 796

China—British Officers in, [169] 187;—Aid

from Russia, 342;—Col. Burgevine's Corps,

1416, 1755, 1757;—Affairs of, [170] 308;—

Attack on Show-shing, 1150;—Captain Dew,

[171] 3;—Lieut. Tinling, 322; Papers

moved for, [172] 1169, 1170, 1173;—Indem-

nity, [171] 1431; [172] 1360;—Relations

with, [170] 1803; [172] 326

East India Company's Army, Officers of the,

[169] 1466

Electric Telegraph through Persia, [172] 350

Fortifications (Provision for Expenses), 2R.

[172] 480

Harbours of Refuge, Resolution, [170] 327

Income Tax, [170] 635

India—Waste Lands, Resolution, [170] 1642;

—Officers of Artillery in, [171] 1176, 1177;—

European Cavalry in, [172] 63;—Council

for, Commission moved for, 785, 786;—

Financial Statement, 1293; Comm. Resolu-

tion, 1305, 1311

Morayshire Railway, Consid. [172] 868

Navy Estimates—New Works, [169] 1110, 1111

Nawab of the Carnatic, Resolution, [169] 817

Prison Ministers, Comm. c. 2, [170] 1342; c. 3,

1529; c. 5, 1544

Supply—Printing and Stationery, [169] 1962;

—Niger Expedition, Adj. moved, 1963, 1964,

1970;—Royal Parks, [171] 218;—New

Digitized by Google [cont.]

SYKES, Col. W. H.—*cont.*

Houses of Parliament, 231; — Embassy Houses Abroad, 369; — British Museum, [172] 551

Telegraphic Communication with Persia, [172] 1473

Transportation and Penal Servitude, Resolution, [169] 1250

Volunteers, Comm. *cl.* 7, [171] 343; *cl.* 9, 345; *cl.* 11, 348; *cl.* 19, 349; *cl.* 21, 351; *cl.* 26, 355; 3R. 960

\*Weights and Measures (Metric System), 2R. [172] 41

TALBOT DE MALAHIDE, Lord

Dublin Metropolitan Railway, [170] 1766  
Royal Irish Academy, [172] 945

TALBOT, Capt. Hon. W. C., *Waterford City*  
Malta, New Dock at, [170] 198; Papers moved for, 1859, 1860

Navy Estimates—New Works, [169] 1110, 1112  
Navy—Promotion and Retirement, Address moved, [169] 767

Salmon Fisheries (Ireland), Comm. [169] 1061

TAUNTON, Lord

Albert Bridge, Re-Comm. [170] 1047, 1050, 1051, 1052

British Columbia Boundaries, 2R. [172] 57

Great Eastern Railway, 2R. [169] 1319

Ionian Islands—Paper moved for, [171] 1739

Leases and Sales of Settled Estates Act Amendment [S.L.], Comm. *add. cl.* [171] 1426

Police, Metropolitan and City, [169] 1603

Subscription to Formularies of Faith, [172] 244

United States—Seizure of British Ships, [170] 657

TAYLOR, Mr. P. A., *Leicester*

Confederate States, Recognition of the, [172] 569

Financial Statement—The Budget, Comm. Resolution, [170] 260

*Telegraphic Cable between Malta and Alexandria*

Question, Sir W. Gallwey; Answer, Mr. Peel, [171] 572;—Question, Sir W. Gallwey; Answer, Lord C. Paget, 1436

*Telegraphic Communication with America*

Question, Mr. Cave; Answer, Mr. Layard, [171] 896

*Telegraphic Communication through Persia*

Question, Col. Sykes; Answer, Mr. Layard, [172] 353

*Telegraphs Bill*

(Mr. M. Gibson, Mr. Hutt)

169] *c.* Read 1<sup>o</sup> Feb. 12, 293; 2<sup>o</sup> Feb. 19

Committee and Report \* Feb. 26 [Bill 16]

Considered in Committee (on re-comm.) and

Report \* March 12

Considered in Committee (on 2nd re-comm.)

March 19, 1848

*cl.* 3 agreed to, 1648

*Telegraphs Bill—cont.*

169] *cl.* 5, Amendt. (Lord A. Churchill), negatived; *cl.* agreed to, 1648

*cl.* 6, 1849

Debate arising, Committee report Progress

Considered in Committee March 23, 1788

*cl.* 7, Amendt. (Mr. Blackburn), 1788; Question put, "That those words be there inserted"—A. 45, N. 67, M. 22; *cl.* agreed to

*cl.* 8, 1790; Amendt. (Mr. Dalglish), agreed to; *cl.* agreed to

*cl.* 10 agreed to, 1791

Committee report Progress

Considered in Committee March 26, 1870

*cl.* 16, Amendt. (Mr. Blackburn), negatived; *cl.* agreed to, 1870

*cl.* 18, Amendt. (Mr. Henley), agreed to; *cl.* agreed to, 1871

*cl.* 23 agreed to, 1872

*cl.* 25 agreed to, 1872

*cl.* 26, Amendt. (Mr. Henley), agreed to, 1874; *cl.* agreed to

*add. cl.* (Mr. Dalglish), negatived, 1878

*add. cl.* (Mr. Butt), withdrawn, 1878

*add. cl.* (Mr. Dillwyn), withdrawn, 1879

*add. cl.* (Mr. Lygon), withdrawn, 1879

Bill reported

170] Considered as amended April 18, 117

*cl.* 19, amended, and agreed to

*cl.* 23, Amendt. (Lord A. Churchill), 118;

After Debate, Amendt. withdrawn

Motion, "That the Bill be now read 3<sup>o</sup>" April 17, 371; Amendt. "the Bill be re-committed" (Mr. Ayrton); Question, "That the words &c."—A. 19, N. 25, M. 6; Words added

Bill re-committed, in respect of Clauses 31 and 32

Committee and Report \* April 23

Considered as amended \* April 24

Motion, "That the Bill be now read 3<sup>o</sup>" April 30, 1034; Amendt. "upon this day six months" (Lord A. Churchill), 1034; After

Debate, Amendt. withdrawn

Bill read 3<sup>o</sup>, and passed

1. Read 1<sup>o</sup> \* (Lord Stanley of Alderley) May 1

170] Read 2<sup>o</sup> May 15, 1765

Order for Committee read, and discharged; Bill referred to a Select Committee June 4

Committee—D. Richmond, M. Bath, Ld. Steward, E. Shrewsbury, E. Devon, E. Romney, E. Stradbroke, L. Blantyre, L. Wodehouse, L. Redesdale, L. Somerhill, L. Portman, L. Stanley of Alderley, L. Lyveden;—

Earl of Airlie added, June 5

Report June 23

Committee \* July 2; Report \* July 3

Read 3<sup>o</sup> \* July 9

1. Commons' Reasons for disagreeing to Lords' Amendts. considered; and Lords' Amendts. not insisted on; Proviso inserted, and Amendts. amended, July 25, [172] 1413

c. Lords' Amendts. to Commons' Amendts. to Lords' Amendts. considered July 27, [172] 1487

Royal Assent July 28 [26 & 27 Vict., c. 112]

Parl. Papers—Commons . . . . . Bill 16

As amended in Committee . . . . . Bill 38

" on Re-Committal . . . . . Bill 57

" on Second Re-Comm. . . . . Bill 75

" on Consideration . . . . . Bill 78

" with Lords' Amendts. . . . . Bill 241

Lords' Amendts. to Commons' Amendts. . . . . Bill 276

[cont.]

*Telegraphs Bill—cont.*

Parl. Papers— <i>Lords</i> . . . . .	No. 86
Report of Select Committee . . . . .	No. 155
As amended by Select Comm. . . . .	No. 156
As amended in Committee . . . . .	No. 185
Commons' Reasons for disagreeing . . . . .	No. 237
With Commons' Amendments to Lords' Amendments. . . . .	No. 252

*Thames Conservancy Bill*

c. Read 1° Feb. 11°

Motion, "That the Bill be now read 2° " Feb. 19, [169] 494 : Amendt. "upon this day six months" (*Mr. Ald. Salomons*), 494 ; Question, "That 'now' &c." put, and negatived ; Words added ; Bill put off for six months, 496

*Thames Conservancy, &c.*

On Motion of *Mr. Hutt*, Select Committee appointed March 19, "to inquire into the operation of the several Acts of Parliament relating to the Conservancy of the River Thames, to the Buoyage, Beaconage, and Ballastage of that River from Staines to Yantlet Creek, and to the regulation of vessels navigating or plying on the River between the aforesaid limits" (*Mr. Hutt*), [169] 1649

Committee nominated April 16 :—*Mr. Hutt*, Lord Mayor of London, Sir J. Hanmer, Mr. W. Wood, Mr. J. Ewart, Mr. Ald. Salomons, Mr. Longfield, Mr. Locke, Mr. Cave, Mr. Somes, Mr. R. Hodgson, Mr. Lindsay, Mr. Blackburn, Mr. Shafto, and (after Debate) *Mr. Cubitt*, [170] 274 :—*Mr. Hankey added*, June 4

Report of Select Comm. July 16 (No. 454)

*Thames Embankment (North Side) Bill*

(*Mr. Cowper, Mr. Peel*)

169] c. Read 1° Feb. 16, 348 [Bill 23]

. Read 2°, after Debate, and committed to a Select Committee March 11, 1313

Committee nominated March 17 :—*Mr. Cowper*, Mr. W. Cubitt, Mr. Bramston, Mr. Tite, Mr. W. Wood, Mr. Ayrton, Mr. Clay, Sir J. B. East, Mr. E. Egerton, Lord J. Manners, Mr. M. O'Ferrall ;—*Mr. W. Wood disch.*, *Mr. Crawford added*, Feb. 18

Bill reported, with Minutes of Evidence \* April 28 [*Parl. P.* 219]

170] Committee—Motion, "That *Mr. Speaker* do now leave the Chair" May 14, 1702 ; Amendt. (*Mr. Crawford*), 1702 ; After Debate, Amendt. withdrawn

. Considered in Committee, 1714

cl. 1, Amendt. (*Mr. Cowper*), withdrawn ; cl. agreed to

cl. 2 to 7 agreed to

cl. 8, Amendt. (*Mr. Crawford*), negatived, 1716 ; cl. agreed to

cl. 9, agreed to

cl. 10, Amendt. (*Mr. Crawford*), agreed to, 1718 ; Amendt. (*Mr. Crawford*), withdrawn ;

cl. as amended, agreed to

Remaining Clauses agreed to

Bill reported

Considered as amended \* May 15

Read 3°, and passed, May 18

1. Read 1° \* (*Lord Stanley of Alderley*) May 19

Read 2°, and committed to a Select Committee, June 8

*Thames Embankment (North Side) Bill—cont.*

Reported from Select Committee June 18

Committee \* June 22

Report \* June 23

(No. 151)

Read 3° \* June 25

Parl. Papers—*Commons*. . . . . Bill 23

Report of Select Committee . . . . . No. 219

As amended by Select Committee Bill 94

Lords' Amendments. . . . . Bill 196

*Lords* . . . . . No. 107

As amended in Committee . . . . . No. 161

As reported from Select Comm. No. [1612]

The New Street—Correspondence No. 254

Report of the Commission, 1862-3 [3093]

*Thames Embankment (South Side) Bill*

(*Mr. Cowper, Mr. Peel*)

169] c. Read 1°, after Debate, March 17, and referred to the Examiners of Petitions for Private Bills, 1584 [Bill 65]

Read 2°, committed to a Select Committee, April 16

Select Committee nominated May 7 :—*Mr. Cowper*, Lord J. Manners, Mr. Doulton, Mr. Cox, Mr. W. Cubitt, Viscount Holmesdale, Mr. Baxter, Mr. Buxton, Lord R. Grosvenor, Mr. Marsh, Mr. C. R. M. Talbot ;—*Mr. W. Cubitt discharged*, *Mr. Tite added*, June 17

Bill reported from Select Committee, and re-comm. June 18

Considered in Committee (on re-comm.) June 22

cl. 1 to 24 agreed to

171] cl. 25, Amendt. (*Mr. Cox*), 1277 ; After short

Debate, agreed to ; cl. agreed to

cl. 26 to 28 agreed to

cl. 29 agreed to, 1278

Remaining Clauses agreed to

Bill reported

Read 3° \* June 24

1. Read 1° \* (*Lord Stanley of Alderley*) June 25

Read 2° \* July 3 (No. 162)

Reported specially July 6

Committee \* July 7 ; Report \* July 9

Read 3° \* July 10

Royal Assent July 28 [26 & 27 Vict., c. 76]

Parl. Papers—*Commons* . . . . . Bill 65

Report of the Select Committee . . . . . No. 367

As amended by Select Committee . . . . . Bill 171

Lords' Amendments. . . . . Bill 246

*Lords* . . . . . No. 162

*Thomas, Charles, Case of.*

Question, *Mr. Hadfield* ; Answer, Lord C. Paget,

[171] 974

*THOMPSON, Mr. H. S., Whitby*

Accidents Compensation, 2R. [170] 1682

Game Laws, Comm. moved for, Amendt. [169] 1564

Harwich Harbour, Comm. cl. 23, [171] 1221

Land Drainage (Provisional Orders), Comm. Amendt. [171] 1113

Poor Law Rating and Assessment, Return moved for, [171] 1186

Ways and Means—Income Tax, [170] 650 ;—Passengers by Cheap Trains, 2063

*THYNNE, Lord E., Frome*

Cabs in Pall Mall, [171] 1313

THYNNE, Lord H. F., *Wiltshire, S.*  
Federal Recruiting in Ireland, [169] 1930

*Tickets of Leave, see Convicts*

TITE, Mr. W., *Bath*

London, Chatham, and Dover Railway (No. 1),  
2R. [172] 249

Metropolis Main Drainage (Guarantee of Re-  
payment of Money), Comm. Resolution, [171]  
1844

Metropolitan Bridges and Railways, [169] 496 ;  
Papers moved for, 609

Regent Circus Railway, 2R. [169] 1025  
Supply—Memorial to the late Prince Consort,

[170] 605, 610 ;—Royal Parks, [171] 215 ;—  
New Houses of Parliament, 232 ;—Exhibi-  
tion Building, [172] 78, 102, 103

Thames Conservancy, 2R. [169] 494

Thames Embankment (North Side), 2R. [169]  
1314 ; Comm. [170] 1718 ; *cl.* 1, 1715 ; 10,  
1719

Thames Embankment (South Side), Comm. *cl.*  
25, [171] 1277 ; *cl.* 29, 1279

Westminster New Palace Approaches, Comm.  
moved for, [171] 1382

*Tobacco Duties (Customs Acts)*

Resolutions in Committee Feb. 13 : [169] 328  
Resolutions reported Feb. 16 ; Bill ordered  
thereon

*Tobacco Duties Bill*

(*Mr. Massey, Chancellor of Exchequer, Mr. Peel*)  
*e.* Read 1<sup>o</sup> Feb. 16 [Bill 21]

169] Motion, "That the Bill be now read 2<sup>o</sup>"  
(*Mr. Chancellor of the Exchequer*) Feb. 23,  
706 ; Amendt. for a Select Committee (*Mr.*  
*Ayrton*), 707

. Motion, "That the Debate be now adjourned"  
(*Mr. Cox*)—A. 46, N. 90, M. 44, 714

. Motion, "That this House do now adjourn"  
(*Colonel Dunne*), withdrawn, 714  
Debate adjourned

. Debate resumed Feb. 27, 946 ; After long De-  
bate, Motion, "That the Debate be now ad-  
journd" (*Dr. Brady*)—A. 71, N. 137, M. 66,  
958

. Motion, "That this House do now adjourn"  
(*Sir Hugh Cairns*)—A. 70, N. 134, M. 64, 958  
Debate further adjourned

. Debate resumed March 2, 980 ; After long De-  
bate, Amendt. withdrawn

. M. Q. put, and agreed to ; Bill read 2<sup>o</sup>, 1001

. Order for Committee March 5 ; After short  
Debate, Committee deferred, 1114

. Bill considered in Committee, and reported,  
March 9, 1285

. Question, Mr. Crawford ; Answer, The Chan-  
cellor of the Exchequer, 1468

. Order for Comm. (on re-commitment) March  
19 ; Motion, "That Mr. Speaker do now  
leave the Chair," 1608 ; Amendt. for a Se-  
lect Committee (*Mr. Ayrton*), 1611 ; Ques-  
tion put, "That the words &c."—A. 170, N.  
87, M. 83, 1616 ; Main Question put, and  
agreed to

Bill considered in Committee

. *cl.* 1 (Duties on Manufactured Tobacco), after  
Debate, amended, and agreed to, 1616  
Remaining Clauses agreed to  
Bill reported

*Tobacco Duties Bill—cont.*

. Considered as amended March 23, 1787  
Amendt. (*Mr. Chancellor of the Exchequer*),  
agreed to

Read 3<sup>o</sup> March 24

*l.* Read 1<sup>o</sup> (*The Lord President*) March 24

Read 2<sup>o</sup> March 26 ; Committee negatived ;  
Standing Orders Nos. 37 and 38 dispensed  
with

Bill read 3<sup>o</sup>, and passed March 26

Royal Assent March 27 [26 & 27 Vict., *c.* 4]

TOLLEMACHE, Mr. J., *Cheshire, S.*

Holyhead Harbour Committee, Explanation,  
[171] 325

Salt, Export of, to France, [171] 1047

Union Relief Aid Acts Continuance, Leave,  
[172] 44, 176 ; 2R. 721 ; Comm. *cl.* 1,  
Amendt. 774

TORRENS, Mr. R., *Carrickfergus*

African Slave Trade Treaty, 2R. [171] 240

Epping Forest—Forestral rights, [172] 354

Forest Rights and Inclosures, Comm. moved,  
[169] 1031, 1038

Frith, Major, Case of, Address moved, [172]  
241

India—Overland Route to, [171] 3

Oude, State of, [169] 966

Royal Victoria Patriotic, Asylum, [171] 402

Supply—Civil Service Commission, Report,  
[170] 109

TORRINGTON, Viscount

Greenwich Park, Railway through, [169] 1741

TOWNSHEND, Marquess of

Naval Courts of Inquiry, [170] 390

*Transport Service, The*

Question, Mr. Lindsay, [169] 657 ; Answer,  
Lord C. Paget, 666

*Transportation and Penal Servitude*

Amendt. on Committee of Supply (March 9)—

Motion for an Address (*Mr. Adderley*), [169]  
1229 ; After Debate, withdrawn

*Transportation Commission*

Question, Sir J. Walsh ; Answer, Sir G. Grey,  
[169] 575

*Transportation—Secondary Punishments*

Question, Mr. Warner ; Answer, Sir George  
Grey, [172] 1278

*Transportation to Western Australia*

Address for Copy of Memorial (*Earl Stanhope*) ;

After Debate, Motion agreed to (*Parl. P.* 44),  
[169] 858

*See Convicts*

*Treasure Troves*

Observations, Sir J. Jervoise ; Answer, Mr.  
Peel, [169] 1069



**TRELAUNY, Sir J., Tavistock**

Address in answer to the Speech, Report, [169] 161  
 Affirmations, Leave, [169] 223; 2R. 1285  
 Army Estimates—Pay and Allowances, [169] 1278; Adj. moved, 1283;—Administration of the Army, 1783, 1784  
 Army—Staff Appointments, [169] 1229  
 Burials, 2R. [170] 159  
 Business, Order of, [171] 812  
 Church Rates Abolition, Leave, [169] 176; 2R. [170] 926, 974  
 Kitchen and Refreshment Rooms (House of Commons) Committee, Resolution, [172] 825  
 New Zealand Loan, [172] 848  
 Prince of Wales—Message from the Queen, Comm. Resolution, [169] 507  
 Prince and Princess of Wales' Annuities, 2R. [169] 647, 649  
 Public Works, [172] 583  
 Religious Endowments (Ireland), Comm. moved for, [170] 1099  
 Supply, [170] 111;—British Museum, [172] 551

**TREVOR, LORD A. E. HILL, Downshire**

Corporal Punishment in Schools, 2R. Amendt. [171] 1842

**TROLLOPE, Rt. Hon. Sir J., Lincolnshire, S.**

Poor Removal (No. 2), Comm. cl. 1, [171] 1287

**Trout, &c. Fishing (Scotland) Bill**

(Mr. William Ewart, Colonel Sykes)  
 171] c. Read 1<sup>o</sup> June 1, 245 [Bill 146]  
 Motion, "That the Bill be now read 2<sup>o</sup>" (Mr. W. Ewart) June 15, 965; Amendt. "upon this day three months" (Sir G. Montgomery); Question "That 'now' &c."—A. 12, N. 37, M. 25; Words added  
 Main Question, as amended, agreed to; Second Reading put off for three months

**TREURO, Lord**

Albert Bridge, Re-Comm. [170] 1049  
 Prison Discipline, [169] 491  
 Volunteer Commission, [169] 144, 721  
 Volunteers, 2R. [171] 1246

**Trustees (Scotland) Act Amendment Bill**

(The Lord Advocate, Sir W. Dumbear)  
 c. Ordered \* March 12  
 Read 1<sup>o</sup> \* March 13; 2<sup>o</sup> \* March 16 [Bill 59]  
 Committee and Report \* March 19  
 Read 3<sup>o</sup> \* March 20  
 l. Read 1<sup>o</sup> \* (The Lord Chancellor) March 23  
 Read 2<sup>a</sup> April 24, [170] 672 (No. 53)  
 Committee and Report \* July 23  
 Read 3<sup>a</sup> \* July 24  
 Royal Assent July 28 [26 & 27 Vict., c. 115]

**Turkey**

Administration of Justice in, Question, Mr. Ayrton; Answer, Mr. Layard, [170] 26  
 Parl. P. [3117]  
 Belgrade, Bombardment of, Question, Mr. D. Griffith; Answer, Mr. Layard, [170] 1525  
 Parl. P. [3126] [3163]

[cont.]

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Dardanelles Telegraph, Parl. P. [3163]  
 Hobart's, Lord, Report, Question, Mr. Darby Griffith; Answer, Mr. Layard, [170] 1953  
 Parl. P. [3161]  
 Loan of 1862, Application of the, Question, Mr. D. Griffith; Answer, Mr. Layard, [170] 1395  
 Smyrna, Poll Tax at, Question, Mr. Wyld; Answer, Mr. Layard, [169] 1326  
 Turkey and her Dependencies, Amendt. on Committee of Supply (May 29)—Address for further Papers (Mr. Gregory), [171] 6; After long Debate, Amendt. withdrawn

**TURNER, Mr. C., Lancashire, S.**

Anchors and Chain Cables, Comm. cl. 1, [172] 846; Amendt. 847, 848  
 Partnership Law Amendment, Comm. cl. 9, [172] 841, 842  
 Poor Removal (No. 2), Comm. cl. 1, Amendt. [171] 1283, 1284  
 Telegraphs, Comm. cl. 16, [169] 1070; cl. 26, 1976

**TURNER, Mr. J. A., Manchester**

Chalmers Target, The, [170] 1768  
 Public Works (Manufacturing Districts) [Advances], Report, [171] 1609

**Turnpike Acts Continuance Bill**

(Mr. Bruce, Sir G. Grey)  
 c. Ordered \* July 10  
 Read 1<sup>o</sup> \* July 13; 2<sup>o</sup> \* July 14 [Bill 228]  
 Considered in Committee July 16  
 cl. 1 agreed to  
 cl. 2 (Continuation of Acts), Amendt. (Mr. R. Hodgson); After short Debate, Question put, "That those words &c."—A. 22, N. 44, M. 22  
 Bill reported  
 Considered as amended \* July 17  
 Read 3<sup>o</sup> \* July 20  
 l. Read 1<sup>a</sup> \* (Lord Stanley of Alderley) July 21  
 Read 2<sup>a</sup> \* July 23 (No. 240)  
 Read 3<sup>a</sup> \* July 24  
 Royal Assent July 28 [26 & 27 Vict., c. 94]

**Turnpike Trusts Arrangements Bill**

(Mr. Bruce, Sir G. Grey)  
 c. Ordered \* July 10  
 Read 1<sup>o</sup> \* July 13; 2<sup>o</sup> \* July 14 [Bill 227]  
 Committee and Report \* July 16  
 Read 3<sup>o</sup> \* July 17  
 l. Read 1<sup>a</sup> \* (Lord Stanley of Alderley) July 20  
 Read 2<sup>a</sup> \* July 21 (No. 233)  
 Committee and Report \* July 23  
 Read 3<sup>a</sup> \* July 24  
 Royal Assent July 28 [26 & 27 Vict., c. 98]

**Turnpike Roads**

Question, Sir B. Leighton; Answer, Sir G. Grey, [171] 570

**Turnpikes, Abolition of**

Question, Mr. Western; Answer, Mr. H. A. Bruce, [169] 1806

*Underground Railway*

Question, Sir G. Bowyer; Answer, Mr. M. Gibson, [169] 575

*Uniformity Act*

- c. Motion, "That, in the opinion of this House, the subscription required from the Clergy to the Thirty-nine Articles, and to the Prayer-book, ought to be relaxed" (*Mr. Buxton*), [171] 590; Amendt. (*Mr. Monckton Milnes*), 594; Question "That the words proposed to be left out &c." put, and agreed to; Original Question again proposed; Previous Question moved (*Sir G. Grey*); After long Debate, Previous Question, "That that Question be now put," put, and negatived

*Uniformity, Act of*

- 170] c. Committee moved for (*Mr. E. P. Bouverie*) May 5, 1228; Motion, "That the Debate be now adjourned" (*Lord R. Cecil*), withdrawn, 1239. After long Debate, Original Question put—A. 157, N. 135, M. 22  
 . Act of Uniformity considered in Committee, 1242; Resolution thereon; Bill ordered

*Uniformity Act Amendment Bill*

- (*Mr. E. P. Bouverie, Mr. Pollard-Urquhart*)  
 c. Read 1<sup>o</sup> \* May 5 [Bill 104]  
 Moved, "That the Order for 2R. be discharged" (*Mr. E. P. Bouverie*) June 24, [171] 1385; After Debate, Motion agreed to; Order discharged  
 . Bill withdrawn

*Union Mercantile Company of Portugal*

Observations, Mr. Ayrton; Reply, Mr. Layard, [172] 603

*Union Relief Aid Act (1862) Continuance Bill*

- (*Mr. Villiers, Mr. Gilpin*)  
 169] c. Read 1<sup>o</sup> Feb. 12, 267 [Bill 17]  
 . Read 2<sup>o</sup>, after Debate, Feb. 19, 526  
 . Question, Mr. Cobden; Answer, Mr. C. P. Villiers, 798  
 Considered in Committee March 2  
 . cl. 1, amended, and agreed to, 968  
 . cl. 2, amended, and agreed to, 969  
 . add. cl. (*Mr. Villiers*), agreed to, 969  
 . add. cl. (*Mr. Villiers*), agreed to, 969  
 . add. cl. (*Mr. Bazley*), agreed to, 970  
 . add. cl. (*Mr. Hibbert*) (irregular), 971  
 Bill reported [Bill 44]  
 Considered as amended \* March 3  
 Read 3<sup>o</sup> \* March 5  
 l. Read 1<sup>o</sup> \* (*Lord President*) March 6 (No. 35)  
 . Read 2<sup>o</sup>, after Debate, March 16, 1462  
 Committee and Report \* March 17  
 Read 3<sup>o</sup> \* March 19  
 Royal Assent March 27 [26 & 27 Vict., c. 7]

*Union Relief Aid Acts Continuance Bill*

- (*Mr. Villiers, Mr. Gilpin*)  
 172] c. Read 1<sup>o</sup>, after long Debate, July 1, 44  
 . Question, Mr. Tollemache; Answer, Mr. C. P. Villiers, 176 [Bill 201]  
 . Read 2<sup>o</sup>, after Debate, July 13, 721

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*Union Relief Aid Acts Continuance Bill—cont.*

- 172] Order for Committee read; Motion, "That Mr. Speaker do now leave the Chair" (*Mr. Villiers*) July 14, 749; Amendt. to leave out from "That," in order to add "in the opinion of this House, it is desirable that any monies raised under this Bill by way of loan on the security of the rates in the distressed manufacturing districts, should be applicable to assisted emigration to such colonies as may be willing to co-operate in carrying it out" (*Mr. Childers*), 755; After Debate, Amendt. withdrawn

Bill considered in Committee July 14

- . cl. 1 (Extension of Acts to Michaelmas and Christmas next); Amendt. Proviso, to substitute 1s. 6d. in lieu of 3s. (*Mr. Potter*); Motion withdrawn, 774  
 . Another Amendt. proposed, to substitute 6s. 6d. in lieu of 5s. (*Mr. Villiers*), agreed to  
 . cl., as amended, agreed to  
 . cl. 2 and 3 agreed to  
 . new cl. (Guardians may borrow £200,000), agreed to, 774

Preamble agreed to

Bill reported

[Bill 236]

Bill, as amended, considered July 16

- . cl. (Emigration of Paupers; 4 & 5 Will. IV. c. 76, suspended) (*Mr. Childers*), 934; Motion, "That the said Clause be now read 2<sup>o</sup>," negatived

Read 3<sup>o</sup> \* July 17

- l. Read 1<sup>o</sup> \* (*The Lord President*) July 20

Read 2<sup>o</sup> \* July 21

(No. 231)

Committee and Report \* July 23

Read 3<sup>o</sup> \* July 24

Royal Assent July 28 [26 & 27 Vict., c. 91]

Parl. Papers—Commons . . . Bill 201

As amended in Committee . . . Bill 236

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*Unions, The Distressed—Rate in Aid for*

Question, Lord G. Cavendish; Answer, Mr. Villiers, [171] 1047

*United States*

*Adams, Mr., the American Minister*, Question, Mr. Peacocke; Answer, Mr. Layard, [170] 400

"*Alexandra*," Seizure of the, Question, Lord Robert Montagu; Answer, Mr. Layard, [170] 135;—Observations, Mr. Horstall; Reply, The Attorney General; long Debate thereon, 705;—Question, Mr. Whitwside; Answer, The Attorney General, 992;—Question Mr. Hopwood; Answer, Viscount Palmerston, [171] 179;—Questions, Mr. Hopwood and Mr. Horstall; Answer, The Attorney General, 250

*American Cruisers and British Merchantmen*, Amendt. on Committee of Supply (April 23)—Address for Correspondence (*Mr. Ben-tinck*), [170] 579; After long Debate, Amendt. withdrawn

*Belsham, Mr., and the Confederate Authorities*, Question, Mr. Blake; Answer, Mr. Layard, [172] 551

United States—cont.

*Blockade of Charleston*, Question, Mr. Bentinck; Answer, Viscount Palmerston, [169] 410  
*Blockade, The*, Question, Lord R. Cecil; Answer, Mr. Layard, [171] 1253;—Observations, Mr. Seymour Fitzgerald; Reply, Mr. Layard, [172] 875  
*British Vessels, Seizure of, by American Cruisers*, Question, The Marquess of Clanricarde; Answer, Earl Russell; Debate thereon, [170] 554, 560;—*American Prize Courts*, Amendt. on Report of Committee of Supply (June 29)—Papers moved for (*Mr. Peacocke*), [171] 1633; After long Debate, Question "That the words proposed to be left out &c." agreed to  
*Commerce, British, and the American Cruisers*, Motion for Copies of Reports (*Marquess of Clanricarde*), [171] 874; After Debate, Resolved in the Negative  
*Equipment of Vessels for the Confederate States*, Question, Mr. Caird; Answer, Mr. Layard, [169] 967  
*Federal Interference with Neutral Trade*, Observations, Lord A. V. Tempest, [170] 1987  
*Foreign Enlistment Act*, Question, Mr. W. E. Forster, and long Debate thereon, [170] 33; Answer, The Solicitor General, 43; Visct. Palmerston, 90  
*French Mediation between the Federal and Confederate States*, Question, Mr. Hopwood; Answer, Viscount Palmerston, [169] 728  
*"Gibraltar," The*, Question, Mr. Horsfall; Answer, Mr. Layard, [171] 1764;—Question, Lord R. Cecil; Answer, The Solicitor General, 1764;—Question, Lord Robert Cecil; Answer, Sir George Grey, [172] 68;—Question, Lord Robert Cecil; Answer, The Chancellor of the Exchequer, 987  
*Hostilities in the*, Question, Lord Campbell; Answer, Earl Russell, [171] 1719  
*"Margaret and Jessie," The*, Question, Mr. Seymour Fitzgerald; Answer, Mr. Layard, [172] 252;—Question, the Earl of Airlie; Answer, Earl Russell; Debate thereon, 728  
*Mobile, British Vice Consul at*, Questions, Mr. Warner, Sir James Fergusson; Answer, Mr. Layard, [170] 1952  
*Neutral Ports, Consignments to*, Question, Mr. Carnegie; Answer, The Solicitor General, [172] 174  
*Neutral Rights*, Question, Mr. S. Fitzgerald; Answer, Viscount Palmerston, [169] 1744  
*New York, Exports from*, Question, Mr. S. Fitzgerald; Answer, Viscount Palmerston, [172] 1163  
*"Peterhoff," Seizure of the*, Observations, Mr. Seymour Fitzgerald, [170] 72; Answer, Mr. Layard, 85;—Question, Mr. Bentinck; Answer, Mr. Crawford, 307;—Question and Explanation, Lord Redesdale; Answer, Earl Russell; Debate thereon, 553;—Explanation, Earl Russell, 763, 980;—Question, Mr. W. E. Forster; Answer, Mr. Layard, 995;—Question, Lord Robert Cecil; Answer, Mr. Layard, 1153  
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*carde*), May 18, [170] 1818; After long Debate, Motion withdrawn  
*Recruiting for the Federal Government—in Ireland*, Question, Lord H. Thynne; Answer, Sir R. Peel, [169] 1930;—*in Leeds*, Question, Mr. Ferrand; Answer, Sir G. Grey, [171] 1251;—Question, Mr. Ferrand; Answer, Sir G. Grey, 1771  
*San Juan, The Island of*, Question, Mr. Longfield; Answer, Mr. Layard, [169] 1607  
*Southern Confederacy, The*, Observations, Lord Campbell; Reply, Earl Russell, [169] 1714  
*Southern Confederacy, Recognition of the*, Question, The O'Donoghue; Answer, Mr. Roebuck, [171] 1527; Question, Mr. W. E. Forster; Answer, Mr. Layard, 1769;—Motion, "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to enter into negotiations with the great powers of Europe, for the purpose of obtaining their co-operation in the recognition of the Independence of the Confederate States of North America (*Mr. Roebuck*), June 30, 1771; After long Debate, Debate adjourned;—*Resumption of the Debate*, Question, Mr. Roebuck; Answer, Sir George Grey, [172] 67;—Question, Mr. Roebuck; Answer, Sir G. Grey, 177;—Question, Mr. Roebuck; Answer, Viscount Palmerston, 252;—Order for resuming Adjourned Debate [30th June]; Moved, "That the Order for resuming the Adjourned Debate on Amendment proposed to Question [30th June] be read, in order to its being discharged" (*Mr. Roebuck*), [172] 661; After Debate, Motion agreed to; Order read, and discharged;—*Roebuck, Mr., and the Emperor of the French*, Questions, Mr. W. E. Forster; Answer, Mr. Layard, [172] 68;—Observations, Mr. Somerset Beaumont, 354;—Question and Observations, Sir James Fergusson; Debate thereon, 554  
*Spies at Liverpool, Alleged Employment of*, Question, Lord R. Cecil; Answer, Sir G. Grey, [170] 198  
*Wilkes, Admiral, Conduct of*, Question, Mr. Roebuck; Answer, Viscount Palmerston, [170] 467, 576  
*"Will o' the Wisp," Seizure of the*, Question, Mr. Crawford; Answer, Mr. Layard, [171] 823  
 Parl. Papers—  
     Despatch relating to Civil War . . . [3075]  
     Correspondence, 1863—  
         No. 1 The Civil War . . . . . [3107]  
         No. 2 The Blockade . . . . . [3108]  
         No. 3 The "Alabama" . . . . . [3109]  
         No. 4 Despatches and Papers . . . [3119]  
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         No. 12 Seizure of "Will-o'-the-Wisp" [3195]  
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UPTON, Major Gen. Hon. G. F., *Antrim Co. Galway Contract*, Resolution, [169] 1691

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*Vaccination (Ireland) Bill*

(Sir R. Peel, Mr. Lowe)

- c. Read 1<sup>o</sup> \* March 19 [Bill 70]  
 169] Motion, "That the Bill be now read 2<sup>o</sup>"  
 March 23, 1791  
 . Motion, "That the Debate be now adjourned"  
 (Colonel Dunne)—A. 16, N. 37, M. 21,  
 1793  
 . Motion, "That this House do now adjourn"  
 (Mr. Whiteside), withdrawn, 1793  
 Debate adjourned  
 Debate further adjourned \* March 24  
 170] Debate resumed April 23, 651; Amendt.  
 "upon this day six months" (Mr. Whiteside),  
 652; Amendt. withdrawn  
 Bill read 2<sup>o</sup>  
 . Question, Mr. Longfield; Answer, Sir R. Peel,  
 1300  
 . Considered in Committee May 14, 1724  
 cl. 1 to 7 agreed to  
 cl. 8, Amendt. (Mr. M'Mahon); Amendt.  
 withdrawn; Amendt. made; cl., as amend-  
 ed, agreed to  
 Remaining Clauses and Schedules agreed to  
 Bill reported  
 Considered as amended \* May 15  
 Read 3<sup>o</sup>, and passed, May 18  
 1. Read 1<sup>o</sup> \* (Earl of St. Germans) May 19  
 (No. 108)  
 171] Bill read 2<sup>o</sup>, after short Debate, June 5  
 396  
 Committee \* June 9; Report \* June 11  
 Read 3<sup>o</sup> \* June 16 (No. 139)  
 Royal Assent July 13 [26 & 27 Vict., c. 52]

*Vaccination (Scotland) Bill*

(The Lord Advocate, Sir Wm. Dunbar)

- c. Read 1<sup>o</sup> \* May 19 [Bill 139]  
 Read 2<sup>o</sup> \* June 4  
 171] Considered in Committee June 23, 1307  
 cl. 1 (Appointment of Vaccinator), after short  
 Debate, agreed to  
 . cl. 2 (Contract with Public Vaccinator),  
 Amendt. (Mr. Blackburn), agreed to, 1309;  
 cl., as amended, agreed to  
 cl. 3 to 8 agreed to  
 cl. 9 (Parents or Guardians to cause Children  
 to be vaccinated), Amendt. (Sir Andrew  
 Agnew); cl., as amended, agreed to  
 cl. 15 struck out  
 Remaining clauses agreed to  
 Bill reported  
 Bill re-comm, consid. and reported \* July 2  
 Read 3<sup>o</sup> \* July 6 [Bill 202]  
 1. Read 1<sup>o</sup> \* (The Duke of Argyll) July 7  
 Read 2<sup>o</sup> \* July 17 (No. 193)  
 Committee \* July 20; Report \* July 21  
 Read 3<sup>o</sup> \* July 23 (No. 230)  
 Royal Assent July 28 [26 & 27 Vict., c. 108]

*Vaccination*

Question, Lord Lyttelton; Answer, Earl Gran-  
 ville, [171] 1037

*Vaccination of Sheep*

Question, Sir J. Jervoise; Answer, Sir G. Grey,  
 [171] 1177;—See *Sheep and Cattle, Dis-*  
*eased*

*VANCE, Mr. J., Dublin City*

- Bankruptcy and Insolvency Court (Dublin)  
 Papers moved for, [172] 1183  
 Births, &c. Registration (Ireland), Comm. cl.  
 9, [169] 618  
 Borough Residence Uniform Measurement  
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 Brophy, Mary, Case of, [169] 1651  
 Cork, Riots at, [169] 1552  
 Corrupt Practices at Elections, Comm. cl. 2,  
 [169] 1008; Consid. cl. 11, Amendt. 1894;  
 Lords' Amendts. [171] 235  
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 moved for, [172] 1185  
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 [171] 1021  
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 836  
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 1533  
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 for, Adj. moved, [171] 470, 477  
 Salmon Fisheries (Ireland), Committee, [170]  
 852  
 Stock Certificates to Bearer, Consid. [170]  
 1136  
 Supply—Public Buildings (Ireland), [171] 468,  
 469;—Department of Science and Art,  
 761  
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*Vancouver's Island*

- Amendt. on Committee of Supply (July 10)—  
 Motion for an Address for Copies of any  
 Correspondence between Mr. Langford and  
 the Colonial Department, relative to alleged  
 abuses in the Government of Vancouver's  
 Island, and other Papers (Mr. Fitzwilliam),  
 [172] 574; After short Debate, Amendt.  
 withdrawn  
*Vancouver's Island and British Columbia*,  
 Question, Mr. Fitzwilliam; Answer, Mr. C.  
 Fortescue, [171] 701

*VANDELEUR, Col. C. M., Clare Co.*

- Births, &c. Registration (Ireland), Comm.  
 cl. 18, [169] 620; cl. 23, 621; Consid. cl. 23,  
 1017  
 Fisheries (Ireland), Comm. [171] 797; cl. 4,  
 Amendt. 801, 803, 989  
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 1906; Adj. moved [170] 852

*VANE, Lord H. G., Hastings*

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*Durham, N.*

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*Vice-Admiralty Courts Bill* [H.L.]

(*The Duke of Newcastle*)

l. Read 1<sup>st</sup> April 23 (No. 70)  
Read 2<sup>nd</sup> May 1, [170] 1044  
Committee May 4; Report May 5  
Read 3<sup>rd</sup>, and passed, May 7  
c. Read 1<sup>st</sup> May 15; 2<sup>nd</sup> May 18 [Bill 120]  
Committee and Report June 1  
Read 3<sup>rd</sup> June 3  
Royal Assent June 8 [26 & 27 Vict., c. 24]

*Victoria—Separation of Districts*

*New South Wales, Victoria, and South Australia*, Petitions and Observations, Earl Grey; Reply, The Duke of Newcastle, [169] 1803  
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*Wolverhampton*

Brophy, Mary, Case of, [169] 1651  
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Alkali Works Regulation, Comm. [171] 1164, cl. 4, Amendt. 1167, 1168, 1169; cl. 12, 1172; add. cl. 1174  
English Church Services in Wales, Comm. cl. 1, [170] 1734; 3R. [172] 612  
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*Volunteer Act, The*

Question, Mr. A. Mills; Answer, Sir G. Lewis, [169] 1227

*Volunteer Commission, Report of the*

Question, Lord Llanover; Answer, Earl De Grey and Ripon, [169] 143

*Volunteer Engineers*

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Question, Lord Stratheden; Answer, Earl De Grey and Ripon, [169] 720;—Question, Lord Rotham; Answer, Sir G. Lewis, 221;—Question, Sir W. Scott; Answer, Marquess of Hartington, [170] 1526

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*Volunteer Force—cont.*

*Capitation Grant to the*, Question, Capt. Gray ; Answer, Sir G. Lewis, [169] 1744  
*New Regulations, The*, Question, Visct. Hardinge ; Answer, Earl De Grey and Ripon, [170] 1576

*Volunteers Acts Amendment Bill*

(*Marquess of Hartington, The Judge Advocate*)

- c. Read 1<sup>st</sup> \* May 5 [Bill 108]  
 170] Read 2<sup>nd</sup>, after Debate, May 14, 1893  
 . Question, Mr. Humberston ; Answer, The Marquess of Hartington, 1838  
 171] Order for Committee June 4 ; Motion, "That Mr. Speaker do now leave the Chair," 332 ; Amendt. (with respect to Ireland) (*Mr. Bagwell*), 332 ; After Debate, on Question "That the words proposed to be left out &c."—A. 156, N. 45, M. 111  
 Bill considered in Committee  
 cl. 1 to 8 agreed to  
 . cl. 7 (Power for Volunteer to quit Corps), Amendt. (*Mr. H. Lewis*), 343 ; After Debate, Amendt. withdrawn ; cl. agreed to  
 . cl. 8 (Volunteer taking service in Militia or Army) agreed to  
 . cl. 9 (Power for Crown to put Volunteers under command of General or Field Officers), After Debate, cl. agreed to, 344  
 . cl. 10 (Annual Inspection), After short Debate, cl. agreed to, 346  
 . cl. 11 (Requisites of Efficiency), Amendt. to omit Proviso (*The Marquess of Hartington*), 347 ; Amendt. altered (*Mr. A. Smith*), and agreed to, 348 ; cl., as amended, agreed to  
 cl. 12 to 18 agreed to  
 . cl. 19 (Application of Provisions as to actual Military Service), Motion to omit the cl. (*Mr. Hibbert*) ; cl. struck out, 349  
 cl. 20 (Provision for Men disabled, and for Widows), agreed to  
 . cl. 21 (Discipline while not on actual Service), Amendt. (*Sir R. Clifton*), 353 ; After Debate, on Question "That the words proposed to be left out &c."—A. 108, N. 21, M. 87 ; cl. agreed to  
 cl. 22 and 23 agreed to  
 . cl. 24 (Power for Corps to make Rules), Amendt. (*Mr. H. Lewis*) negatived ; cl. agreed to, 365  
 cl. 25 (Property of Corps vested in Commanding Officer) agreed to  
 cl. 26 (Storehouses for Arms), Amendt. (*Mr. Humberston*), 365 ; Amendt. withdrawn ; cl. agreed to  
 cl. 27 to 47 agreed to, with verbal Amendments  
 cl. 48 (Interpretation) amended, and agreed to  
 . new cl. (Acquisition of Land for Ranges), added, 368  
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 . Bill, as amended, considered June 11, 765  
 cl. 7, Amendt. (*The Marquess of Hartington*)  
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 . cl. 20 (Discipline while on actual Service) ; Amendt. (*Sir Robert Clifton*), 768 ; Question "That the words &c."—A. 100, N. 29, M. 71  
 Other Amendts. made

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- 171] Motion, "That the Bill be now read 3<sup>rd</sup>" June 15 958 ; Amendt. that it be re-committed (*Mr. Hennessy*), 959 ; After Debate, on Question "That the words proposed be left out &c."—A. 138, N. 81, M. 107  
 Main Question agreed to ; Bill read 3<sup>rd</sup>, and passed  
 l. Read 1<sup>st</sup> \* (*Earl De Grey*), June 16 (No. 140)  
 . Moved, "That the Bill be now read 2<sup>nd</sup>" June 22, 1244 ; After short Debate, Motion agreed to  
 Bill read 2<sup>nd</sup>  
 . House in Committee June 25, 1427  
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 . cl. 35 (8 & 9 Vict., cc. 18 & 19, incorporated), Amendt. to omit cl. (*Duke of Richmond*) ; After Debate, cl. struck out, 1427  
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 Read 3<sup>rd</sup> \* July 2  
 c. Lords' Amendts. agreed to, with Amendts July 13, [172] 725 [Bill 225]  
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Motion for an Address for "Copy of the Letter written by the Secretary of State for the War Department to the Lord-Lieutenants of Counties on the Subject of attaching independent Corps of Volunteers to administrative Battalions" (*The Earl of Malmesbury*) July 24, [172] 1355 ; After short Debate, Motion agreed to (*Parl. P.* No. 256)  
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*Walkley, Mary Anne, Case of*

Question, Mr. Dawson; Answer, Sir G. Grey,  
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*Walmer Vesting Bill*

(*Marquess of Hartington, The Judge Advocate*)  
 c. Read 1<sup>o</sup> \* June 17; 2<sup>o</sup> \* June 22 [Bill 170]  
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 Read 3<sup>o</sup> \* June 25  
 l. Read 1<sup>o</sup> \* (Earl de Grey) June 26 (No. 167)  
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*WALTER, Mr. J., Berkshire*

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*Watchmen in Towns (Ireland) Bill*

(*Mr. Bagwell, Mr. Waldron*)

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 171 Motion, "That Mr. Speaker do now leave the  
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 1222; Motion "That this House do now  
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 drawn; After short Debate, Question "That  
 'now' &c." negatived; Words added  
 Main Question, as amended, agreed to  
 Bill put off for three months

*Waterworks Clauses Bill*

(*Mr. Milner Gibson, Mr. Hutt*)

c. Ordered \* July 2  
 Read 1<sup>o</sup> \* July 3; 2<sup>o</sup> \* July 6 [Bill 207]  
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 l. Read 1<sup>o</sup> \* (*Lord Stanley of Alderley*) July 21  
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*WATLINGTON, Mr. J. W. P., Essex, S.*

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**WAYS AND MEANS**

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 170] *Budget, The—Financial Statement—Ways*  
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- . Resolutions 1 & 2 (Duties on Chicory), 263 ;  
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- . Res. 3 (Duties on Tea), 635
- . Res. 4 (Duties on Sugar), 637
- . Res. 5 (Property and Income Tax), 644
- . Motion, "That the Chairman report, &c." (*Mr. Lygon*), 650 ; After short Debate, Motion withdrawn

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- . Res. 10 (Club Licences) (*Mr. Chancellor of the Exchequer*), 838 ; After Debate—A. 143, N. 111, M. 32

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- . Res. 11, after Debate, agreed to, 848
- . Res. 12 (Beer-house Licences) agreed to
- . Res. 13 (Duties on Sugar) agreed to
- . Res. 14 (Occasional Licences) agreed to
- . (15) Resolved, "That it is expedient to amend the Laws relating to the Inland Revenue, 849

Resolutions reported *April 28*

Considered in Committee *May 28*

- . Resolution (Exemption of cheap Passenger Trains) moved (*Mr. Chancellor of the Exchequer*), 2062 ; After long Debate, Resolution agreed to

Resolution reported \* *May 29*

Considered in Committee *June 3*

- 171] Resolution (Victuallers' Occasional Licence) (*Mr. Chancellor of the Exchequer*), 319

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- 172] Considered in Committee *July 17, 1029*

Res. 1 (£467,467 3s. 7d., surplus of Ways and Means granted for the Service of preceding years)

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Resolutions reported *July 20*

**Waywardens Contracts Bill** [H.L.]

(*Lord Redesdale*)

- i. Read 1<sup>st</sup> \* *June 18* (No. 148)
- Read 2<sup>nd</sup>, after short Debate, *June 25*, [171] 1423
- Committee and Report \* *June 29* (No. 173)
- Read 3<sup>rd</sup> \* *June 30*
- e. Read 1<sup>st</sup> \* *July 3* ; 2<sup>nd</sup> \* *July 8* [Bill 205]
- Committee and Report \* *July 9*
- Considered as amended \* *July 10*
- Read 3<sup>rd</sup> \* *July 13*
- Royal Assent *July 21* [26 & 27 Vict., c. 61]

**WEGUELIN, Mr. T. M., Wolverhampton**

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Post Office Savings Banks, Comm. Resolution, [169] 327

**Weights and Measures (Metric System) Bill**

(*Mr. W. Ewart, Mr. Adderley, Mr. Cobden, Mr. Finlay*)

c. Ordered \* *May 13* [Bill 120]

Read 1<sup>st</sup> \* *May 13*

Motion, "That the Bill be now read 2<sup>nd</sup>" *July 1*, [172] 5 ; After long Debate—A. 110, N. 75, M. 35

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**Wellington Funeral Car at St. Paul's, Exhibition of the**

Question, *Mr. C. Bentinck* ; Answer, *Mr. Cowper*, [171] 1445

**Welsh Mails**

Question, *Mr. R. P. Long* ; Answer, *Mr. Peel*, [171] 1318

**WENSLKYDALE, Lord**

Corrupt Practices at Elections, Comm. add. cl. [170] 1287

Fisheries (Ireland), Comm. cl. 9, [172] 1042 ; Report, Proviso, 1145 ; 3R. 1241

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**WESTBURY, Lord, see CHANCELLOR, The LORD****Western Australia—Transportation**

Address for Copy of Memorial (*Earl Stanhope*) ; After Debate, Motion agreed to (*Part. P. 44*), [169] 858 ;—see *Australia*.

**WESTERN, Mr. T. S., Maldon**

Parochial Assessment Act, [172] 1361

Turnpikes, Abolition of, [169] 1806

**West Hartlepool Harbour and Railway Bill**

c. Read 3<sup>rd</sup>, and passed, *April 17*, [170] 302

*Parl. Paper*, Railway and Canal Bills, Report No. 51

- i. Moved, That Special Report and Evidence be referred to Her Majesty's Attorney General (*Earl of Donoughmore*), [171] 1294 ; After short Debate, Motion withdrawn

Moved, "That a Select Committee be appointed to inquire and report as to what Legislative Measures are desirable for the Purpose of restraining Directors of Railway Companies from exceeding the Limits of the borrowing Powers fixed by their Act of Parliament, &c." (*The Earl of Donoughmore*), [171] 1302 ; agreed to  
 Committee—*Ld. President, D. Devonshire, Ld. Steward, E. Airlie, E. Macclesfield, F. Powis, V. Hutchinson, J. Wodehouse, L. Redesdale, L. Portman, L. Stanley of Adderley, L. Dartrey, L. Overstone, L. Chelmsford, L. Taunton.*

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*WESTMEATH, Marquess of*

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*Westminster Abbey, Monuments in*

Question, Mr. Ayrton; Answer, Sir G. Grey, [172] 432;—Observations, Mr. M. Milnes, Mr. F. S. Powell, 1400; Reply, Sir G. Grey, 1413

*Westminster New Palace Approaches*

c. Moved, "That a Select Committee be appointed to inquire into the improvement of the Approaches to the New Palace of Westminster" (Mr. Tite) June 23, [171] 1382; After short Debate—A. 40, N. 15, M. 25  
Select Committee appointed June 23

*WHALLEY, Mr. G. H., Peterborough*

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Private Bill Legislation, Comm. moved for, [169] 468; [172] 1285  
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*White, Captain Melville, Case of*

Question, Col. Dunne; Answer, Mr. Layard, [170] 1152;—Question, Col. French; Answer, Mr. Layard, 1949;—Question, Col. French, [171] 871;—Question, Col. French; Answer, Mr. Layard, 898;—Question, Mr. Hennessy; Answer, Mr. Layard, [172] 875;—Question, Sir G. Bowyer; Answer, Mr. Layard, 1496

*WHITE, Lieut. Col. (Lord of the Treasury) Kidderminster*

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*WHITE, Mr. J., Brighton*

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*WHITESIDE, Right Hon. J., Dublin University*

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WILLIAMS, Lieut. Col. T. P., *Marlow, Great*

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WILLIAMS, Mr. W., *Lambeth*

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## INTRODUCTION TO THIS INDEX.

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The **SESSIONAL INDEX** to "**HANSARD**" having been carefully considered and re-arranged, some explanation of the objects sought, and of the facilities it is intended to offer, may be useful.

In the first place, however, the "**TABLE OF CONTENTS**," which precedes each volume, should be described.

These "**CONTENTS**" are a complete "**Abstract**" of all Public Business transacted by both Houses of Parliament.

. The "**Minutes**," which stand first, are a brief record of each day's Proceedings, arranged by titles under each stage of progress—" *First Reading*," "*Second Reading*," "*Committee*," &c.;—those Bills which were forwarded without discussion are marked with a \*.

[For practical purposes the "**Minutes**" are superseded by the "**Index**," in which the Progress of each Bill is succinctly given under one head.]

The debated Proceedings follow. In these every entry is made to accord with the corresponding entry in the **LORDS' MINUTES** or **COMMONS' VOTES**; but a large amount of valuable information not to be found in those records, but derived from the text of "**HANSARD**," is added or intercalated.

Every Motion is set out in its precise terms, according to the Notice or the entries in the Minutes or Votes. Every Amendment or Motion interposed between the original Question and the final decision, whether subject of entry on the Minutes or Votes or not, is given. The title of every Bill introduced is set out at length, with the names of the Peers or Members who had charge of the measure. All Motions and Amendments are set out at length. In Committee all Clauses debated, and some not discussed, are recorded. The "**Breviates**," which indicate the object of the Clauses, are given, and the Amendments proposed are set out in full.

The object of every Select Committee is given in the terms of the Motion; and if granted, the names of the Peers or Members nominated to serve on it.

## INTRODUCTION TO THIS INDEX.

The "CONTENTS" include, as among items of Public Business, "Questions and Answers," "Observations and Replies." It has been found impracticable to deal with these entries in any other mode than by referring to the text of "HANSARD." To give the very words would be to reprint a large part of these volumes, and to attempt to give a summary appears to Mr. Hansard to be beyond his proper duties.

The "CONTENTS" of "HANSARD," as here arranged, are, in fact, that which has been so frequently desired, an "ABSTRACT OF PUBLIC BUSINESS."

The SESSIONAL INDEX has been compiled upon a system which has for its object these important considerations.

1. That it shall afford ready Reference to the Public Business as formally recorded in the "JOURNALS" and "MINUTES" of the LORDS and the "JOURNALS" and "VOTES" of the COMMONS, and to the Spoken Proceedings in Parliament thereon as recorded in "HANSARD."

2. That a Motion once brought before either House shall be followed out, *in this Index*, to the end; and that the entries, though necessarily in a brief form, shall give in substance the same information as the JOURNALS, MINUTES, or VOTES, and render it unnecessary to refer to those records for the stages, dates, amendments, divisions, &c.

3. That unnecessary multiplicity of reference shall be avoided. Thus, the information sought being contained in the JOURNALS and VOTES of either House, and in the "Contents" and text of "HANSARD," and this Index being the instrument of search—

The Reader who desires simply to ascertain the introduction and course of a Motion—its origin and chronology—will find these particulars succinctly set forth in the Index itself, and need go no further. If, beside these particulars, he desires to know the precise terms of the Motion, of the Amendments, of the formal mode of raising the issues, and the official information, but does not require to refer to the debates on the subject, the Index will refer him to the "Contents" of the proper Volume by the *dates* given. In the "Contents" he will find, not only the information afforded by the official Minutes and Votes, but frequently much that it is not the practice to enter in those records (such as Committee work), but which is an important part of Parliamentary business. In the "Contents" he will find the formal course of all Public Business gathered into a small compass; and easy to follow out by the dates and pages given by the "Index."

4. If, however, the Reader desires to learn, not only the formal course of a Public Motion, but the Argumentative and Reasoning part of Public Legislation, he must necessarily turn to the text of "HANSARD."

The two latter courses (the first requires no explanation) have been provided for in the following manner:—Wherever all the information that the "MINUTES," "VOTES," and "HANSARD," could afford is comprised in a single fact (as, for instance, that a Bill was read the second time on a certain

## INTRODUCTION TO THIS INDEX.

day—that a Bill was considered in Committee and reported—that a Select Committee was appointed on one day and reported on another), the entries in this Index supply *that* information; it also contains the positive intimation by a \* that the Bill or Motion was “read” or “agreed to” *without debate*; and to prevent the annoyance of a further search where nothing more is to be learnt, the “pages” are omitted.

It is obvious that every “Question and Answer” is a debate; the reference is therefore made direct to the page in “HANSARD” in which it is to be found.

Every Public Bill is to be found entered in the text of “HANSARD” under the date at which it was introduced; but as the full title is also set forth in the “Contents,” which can be more readily referred to, the “date,” and not the “page,” is given in the Index. In like manner, in Committee those Clauses, and in Supply those Votes, which were agreed to without debate, have no paginal references, the information being already complete.

[Immediate reference from the Index to the “Contents” will be obtained by noting the “page” in the Index, and referring to the figures on the right hand of the “Contents.”]

Unnecessary reference is further avoided by giving *all* the information in the Index wherever practicable. For example, in the case of a Select Committee, not only the date of appointment and nomination is given, but the order of reference, a list of the Members, and the date of the Report.

The entries under the head of “Mr. Speaker” have been cast into a distinct form. Instead of a mere entry of the title of the Question during which the necessity arose for Mr. Speaker’s intervention, the particular object to which that intervention is directed is given. For example, the entry under the old form, “*Education—The Revised Code—Question*,” would give no indication that Mr. Speaker’s interference was to stop reference to Debates “in another place.” The entry now stands “*Debate—Reference to Debates ‘in another place’—Education—The Revised Code—Question*.” By this course, the Law and Practice of Parliament as digested in Mr. May’s valuable work, will always be entered up to the latest period.

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## EXPLANATION OF THE ABBREVIATIONS.

It being a principal object of this Index, that the proceedings on each Motion shall be completely recorded, some abbreviations of forms were necessary. Those who are accustomed to the proceedings of Parliament, will readily fill up the voids. Those who are not so familiar, may find the following explanation useful, but will find the whole *formule* set out at length in the “Contents.”

